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HOUSE JOURNAL

OF THE

NINTH REGULAR SESSION

OF THE

Legislative Assembly

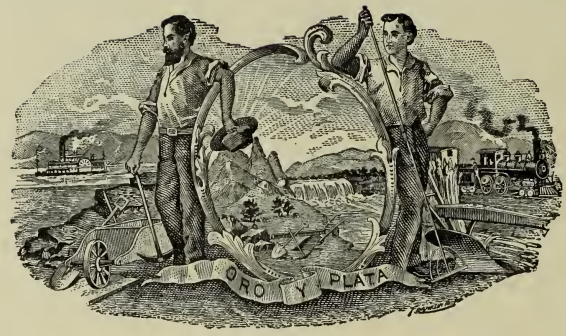
OF THE

STATE OF MONTANA

Convened at Helena, the Capital of said State, in Regular Session, on the Second Day of January, 1905, and Ending on the Second Day of March, 1905.

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ORO Y PLATA

Officers and Members

of the



Ninth Legislative Assembly

of the

State of Montana.

Governor, JOSEPH K. TOOLE.

Lieutenant-Governor and President of the Senate,
EDWIN NORRIS.

Speaker of the House of Representatives,
WYLLYS A. HEDGES.

STATE SENATORS

NAME	Politics	County	Postoffice Address
Albright, Jacob	Rep	Madison	Virginia City
*Bentall, Maurice	Rep.	Rosebud	Rosebud
*Bielenberg, John N. W.	Rep.	Powell	Deer Lodge
Bourne, George Blake	Rep.	Choteau	Hill
Brennen, William James	Rep	Flathead	Big Fork
Donlan, Edward	Rep	Missoula	Missoula
Durham, George P.	Dem.	Granite	Philipsburg
*Glidden, Samuel Hurd	Dem.	Carbon	Bridger
*Harper, Wm. W	Rep.	Deer Lodge	Anaconda
Johnson, Edward A.	Dem.	Ravalli	Hamilton
Maddox, Fletcher	Rep.	Cascade	Great Falls
Mahon, Archibald W.	Dem.	Valley	Glasgow
*Martien, Charles H	Dem.	Lewis and Clarke	Helena
*Miles, Arthur Willington	Rep.	Park	Livingston
*McCarthy, Jerrie C.	Dem.	Gallatin	Bozeman
*McCone, George	Rep.	Dawson	Reeta
*McDonnell, Charles	Rep.	Sweet Grass	Melville
*McLean, Kenneth	Rep.	Custer	Miles City
Ralston, Samuel Franklin	Dem.	Teton	Chouteau
Sherlock, Henry Lloyd	Dem.	Jefferson	Boulder
Tewey, Daniel	Dem.	Silver Bow	Butte
*Tooley, Clarence P.	Rep.	Meagher	Two Dot
Waite, John David	Rep.	Fergus	Lewistown
Whipple, Charles Amos, Sr.	Dem.	Broadwater	Townsend
*White, Benjamin F	Rep.	Beaverhead	Dillon
Yegen, Christian	Rep.	Yellowstone	Billings

Holdovers, Elected 1904.

CHARLES E. WIGHT, Secretary,

HOUSE OF REPRESENTATIVES.

NAME	Politics	County	Postoffice Address
Bembrick, B. F.	Dem.	Broadwater	Radersburg
Bennett, Alden J	Rep	Madison	Virginia City
Berry, William West	Dem.	Lewis and Clark	Helena
Blake, Harold Niles	Rep	Deer Lodge	Anaconda
Blankenship, Edwin Van.	Dem.	Gallatin	Bozeman
Brewster, George W	Rep	Rosebud	Birney
Brigham, Orin Pierce.	Rep	Chouteau	Havre.
Buck, Amos.	Rep	Ravalli	Stevensville
Burt, George W	Rep	Custer	Terry
Canoll, Harry N.	Rep	Deer Lodge	Anaconda
Carriher, Charles E	Lab.	Lewis and Clark	Helena
Christian, Edward H	Rep	Missoula	Missoula
Coleman, John. A	Dem.	Silver Bow	Butte
Collier, Parie O.	Dem.	Flathead	Kalispell
Cone, John F.	Rep	Ravalli	Hamilton
Decker, Alpheus.	Rep	Beaverhead	Red Rock.
Dempster, Charles William	Lab.	Silver Bow	Butte
English, Gus B	Rep	Deer Lodge	Anaconda
Everett, Thomas Madison	Rep	Chouteau	Harlem
Fairbanks, Charles E	Rep	Missoula	Plains
Forsythe, Benjamin O	Rep	Sweet Grass	Melville
Geyman, Charles, L	Lab.	Silver Bow	Butte
Harrington, Daniel	Dem.	Deer Lodge	Anaconda
Hayes, John	Dem.	Cascade	Great Falls
Hedges, Wyllys Anderson	Rep	Fergus	Yale
Hewett, Marcus L	Rep	Jefferson	Basin
Hilman, John Roland	Rep	Flathead	Columbia Falls
Huntington, E	Dem.	Carbon	Red Lodge
Johnston William M	Dem.	Yellowstone	Billings
Kennedy, Jacob M	Dem.	Silver Bow	Butte
Lannin, Charles	Lab.	Silver Bow	Butte
Lanstrum, Oscar Monroe	Rep	Lewis and Clark	Marysville
Leiper, A. P	Rep	Dawson	Glendive
Linderman, Frank Bird.	Rep	Madison	Sheridan
Metcalf, George.	Rep	Granite	Philipsburg
Meunier, Joseph	Dem	Silver Bow	Butte.
Mulroney, Edward Camillus	Rep	Missoula	Missoula
Mumbrue, Daniel P.	Rep	Meagher	Wolsey
Murray, Charlie Livingston	Rep	Cascade	Great Falls
Murphy, John S	Lab.	Silver Bow	Butte
McDonald, Alexander D.	Dem.	Flathead	Kalispell
MacGinnis, John	Anti-Tr D	Silver Bow	Butte
O'Brien, Sylvester	Fusion	Silver Bow	Butte
O'Connor, John E	Dem	Broadwater	Canton
Patten, T. M.	Rep	Valley	Glasgow
Potter, Samuel E	Rep	Teton	Shelby
Quigley, John R., Jr.	Dem.	Powell	Ophir
Reel, William A.	Dem	Madison	Norris
Richardson, T. Wesley, Jr.	Rep	Lewis and Clark	East Helena
Roach, Dennis R.	Dem	Deer Lodge	Anaconda
Roll, J. F.	Dem	Gallatin	Spring Hill
Ross, Samuel M	Rep	Missoula	Missoula
Sales, Walter Henry	Rep	Gallatin	Manhattan
Sanden, Fred S.	Lab.	Lewis and Clark	Helena
Sanders, James.	Rep	Cascade	Great Falls
Schoonover, James Samuel.	Dem.	Granite	Philipsburg.
Selway, Earnest Owens	Rep	Beaverhead	Dillon
Sewell, Jonathan	Rep	Deer Lodge	Anaconda
Shannon, Joseph	Lab.	Silver Bow	Butte
Starz, Emil.	Dem	Lewis and Clark	Helena
Stevens, Melyer.	Rep	Meagher.	Winnecook
Sullivan, D. J.	Dem.	Jefferson.	Basin
Sullivan, Timothy D	Dem.	Lewis and Clark	Marysville
Sykes, Henry N.	Rep	Custer	Ekalaka
Teskey, Angus.	Dem	Jefferson	Wickes
Vandyck, Lewis Henry	Rep	Park	Gardiner
Walker, Thomas J	An.Tr.D.	Silver Bow	Butte
Wiedman, George J.	Rep	Fergus	Lewistown
Williams William Henry	Rep	Park	Cokedale
Wilson, Charles Albert	Rep	Cascade	Great Falls
Wood, George Rodney	Dem.	Cascade	Great Falls
Wyman, John Sidney	Dem.	Silver Bow	Butte

NATHAN GODFREY, Chief Clerk.

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84	A Bill for an Act entitled, "An Act to provide for the corporal punishment of wife-beaters, and persons guilty of cruelty to children.	62, 94.
85	A Bill for an Act entitled, "An Act to provide for the extension of the boundaries of any incorporated city or town so as to embrace and include contiguous platted tracts or parcels of land."	62, 140, 175, 189, 194, 202, 232, 258, 281.
86	A Bill for an Act entitled, "An Act creating, establishing and naming, Railroad Commissioners, fixing their salaries, defining their duties and powers, regulating railroad corporations and other common carriers in this State, preventing the imposition of unreasonable rates and unjust discrimination in rates charged for the transportation of passengers and property, prescribing the mode of procedure and the rules of evidence in relation thereto, and prescribing penalties for the violation of the provisions of this act."	62, 82, 149, 179, 196, 197, 208, 252, 269, 301, 302, 321, 323.
87	A Bill for an Act appropriating money for the payment of the claim of Conley and McTague for the care of prisoners at the State Penitentiary at Deer Lodge....	62, 84, 89, 89, 90, 113, 116, 116, 142.
88	A Bill for an Act making it unlawful for, parents, guardians, or others, having the custody of any minor child, under the age of sixteen years, to permit such minor child to carry or use firearms of any description, except when in the company of such parent or guardian.	62.
89	A Bill for an Act entitled, "An Act to amend Section 1054 of the Penal Code, by adding thereto a subdivision relating to trespass on vacant buildings."	62, 80, 92, 121, 126, 128, 165, 168, 187, 204.
90	A Bill for an Act to add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, relating to the qualifications and disabilities of electors, an additional Section to be designated 1198, relating to the right of suffrage of deserter from the Military service of the United States and from the Military services of the State of Montana.	66, 92, 120, 121, 122, 151, 194, 213, 214.
91	A Bill for an Act entitled, "An Act to establish a Geological survey of Montana."	68, 86, 98, 130.

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92	A Bill for an Act entitled, "An Act to amend Section 448 of the Political Code of the State of Montana, relating to quarterly reports of the State Treasurer."	68, 93, 113, 131.
93	A Bill for an Act entitled, "An Act relating to the purchase of blanks books, stationery and other office supplies, by counties.	68, 142.
94	A Bill for an Act to amend an Act to amend Section 1920, Part III, Title III, of the Political Code of the State of Montana, as amended by an Act approved March 3rd, 1903, relating to the compulsory education of children between the ages of 8 and 16 years.	75, 76, 126, 154, 166, 167, 174.
95	A Bill for an Act to amend Section 911 of the Political Code of the State of Montana, relating to the appointment of Notaries Public.	75, 76, 93.
96	A Bill for an Act to amend "An Act to authorize the appointment of a Commissioner for the measurement and division of water under decree of court in certain cases," Approved March 2, 1899.	75, 76, 87, 113, 131, 132, 143, 145, 311, 347, 359, 360, 365, 399.
97	A Bill for an Act to amend Sections 3821 and 3822, and to repeal Section 3823, of the Political Code of the State of Montana, relating to the fiscal year for the State and County and to the reports of State and County officers	75. 76, 92, 113, 120, 121, 126, 129.
98	A Bill for an Act to amend Section 3494 of an Act entitled "An Act relating to the appraisal, sale and leasing of State Lands, repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting therefor certain Sections to be numbered 3475. 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507," passed by the Sixth Legislative Assembly, and approved March 1st, 1899.	75, 76, 208, 256, 320, 330.
99	A Bill for an Act entitled, "An Act to amend Section 3491, Article I, Chapter I, Title VIII, Part III, of the Political Code, relating to the leasing of State Lands."	76, 208, 256, 326, 328, 334, 335.
100	A Bill for an Act to abolish the offices of State Game and Fish Warden and Deputy State Game and Fish Warden, and to impose the duties of such officers upon the sheriffs and their deputies in the several counties of this State.	76, 141, 142, 175.
101	A Bill for an Act to amend an Act entitled "An Act to regulate the practice of Osteopathy in the State of Montana and to license Osteopaths to practice in the State, and to establish a Board of Osteopathic Exam-	

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	iners and to punish persons violating the provisions of this Act."	81, 82, 82, 161, 204, 229, 231, 240, 240, 277, 298.
102	A Bill for an Act regulating, permitting and licensing gambling, prohibiting the playing of certain games and fixing penalties for violations thereof."	81, 82, 82, 126, 154, 166, 186, 187.
103	A Bill for an Act entitled, "An Act making it unlawful for any person to require the giving of surety bonds in corporations not authorized to transact business in the State of Montana."	81, 82, 93, 113, 120, 126, 129, 159, 168, 204.
104	A Bill for an Act to repeal Section 4072 of the Political Code of the State of Montana, relating to licenses on professional men	81, 82, 85, 238, 283, 320, 327, 329, 334, 337.
105	A Bill for an Act entitled, "An Act to amend Sections 552, 553, 560, 563, 566 and 567 of Article 15, of Chapter 3, of Title 1, of Part 3, of the Political Code of the State of Montana, relating to the Inspector of Boilers, and to add thereto a new section to be known and numbered Section 570	81, 82, 142, 179, 191, 192, 199, 202, 245, 259, 281.
106	A Bill for an Act to provide for the payment of the actual, necessary expenses of judges of the District Court when holding court in any county not the county of residence of such Judge	82, 83, 247, 248, 283, 323, 327, 335.
107	A Bill for an Act appropriating money to the Historical and Miscellaneous Department of the State Library, for the purpose of purchasing bound volumes of newspapers, periodicals, State Reports, Histories, Maps, Medical and Scientific Books and Works, for Insurance, and for finishing the fire-proof vaults used by said departments	82, 83, 170, 171, 201, 228, 231, 254.
108	A Bill for an Act to amend Section 1, of an Act entitled "An Act to provide for an assistant for the Register of the State Land Office; to fix the salary thereof, and designate the fund from which he shall be paid," approved Feb. 24, 1899, relating to the appointment of Deputy Register	82, 83, 162, 201, 214, 220, 222.
109	A Bill for an Act to amend Sec. 470, of the Political Code of the State of Montana, as amended by Senate Bill No. 45, of the laws of 1897, approved March 4, 1897, relating to the appointment of the State Land Agent	82, 83, 161, 162, 194, 206, 207, 214, 216.
110	A Bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State, for damages sustained by employees thereof, and to declare void contracts	

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	restricting liability	82, 83, 127, 154, 167, 168, 174, 175, 192, 219, 231, 272.
111	A Bill for an Act entitled, "An Act for the protection of the health of men employes in underground mines, in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or reduced, by regulating their hours of employment and providing penalties for the violation thereof."	82, 83, 160.
112	A Bill for an Act to amend Section 4050, of Article 1, Chapter XIII, of the Political Code of Montana, relating to distribution of moneys collected for Licenses	82, 83, 236, 240, 283, 328, 334, 337, 390, 398, 402.
113	A Bill for an Act entitled, "An Act levying a special school tax on all male inhabitants over the age of 21 and under the age of 50 for General School purposes.	87, 89, 152, 179, 192, 199, 203.
114	A Bill for an Act entitled, "An Act amending Section 1961 of the Political Code of the State of Montana, relating to issuance of School Bonds."	87, 89, 152, 179, 192, 199, 203, 245, 259, 281.
115	A Bill for an Act entitled, "An Act to compel the filing of all instruments of assignment, sale or transfer of wages or salaries, and giving notice of the assignment, sale or transfer."	87, 89, 151, 152, 194, 206, 207, 214, 217.
116	A Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly by corporations and other employers of labor, in cities having a population of 5,000 or over, and within a radius of three miles thereof, and providing a penalty for the violation thereof."	87, 89, 184, 233, 263, 264, 269, 270.
117	A Bill for an Act entitled, "An Act to create a Board of Police Commissioners in cities having more than Fifteen Thousand inhabitants defining their powers and duties, and fixing the terms of office and the compensation of same."	88, 89, 151 188, 192, 193, 199, 203.
118	A Bill for an Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers.	88, 89, 148, 194, 230, 240, 241, 309, 320, 321, 323.
119	A Bill for an Act entitled, "An Act authorizing District Courts, also the Supreme Court of the State in direct judgment to be entered in certain cases, instead of granting a motion for a new trial."	88, 89, 153.
120	A Bill for an Act to repeal House Bill No. 147 of the laws of 1901 entitled: "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of the State of Montana, and to provide for the	

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	appointment of a State Game and Fish Warden, Deputy State Game and Fish-Wardens, and Special Deputy State Game and Fish Wardens, and defining their powers and duties and providing for their compensation," approved March 18th, 1901, as amended by Chapter XXXVIII of the laws of 1903; and to provide for the appointment of a State Game and Fish Warden, to make sheriffs, undersheriffs, deputy sheriffs and constables ex-officio special deputy game and fish wardens and defining their powers and duties and providing for their compensation	88, 89, 149, 150, 212, 214, 215, 220, 222, 278, 298.
121	A Bill for an Act entitled "An Act to amend Section 1273 of Chapter V, Title II, Part III, of the Political Code of the State of Montana, relating to printing instruction for the guidance of electors by the County Clerk of each County	88, 89, 212.
122	A Bill for an Act to amend Section XXXVII, of Chapter IV, Title I, Part I, of the Code of Civil Procedure of Montana and providing compensation for Pro tempore Judges of the District Court.	88, 89, 93, 113, 131.
123	A Bill for an Act to amend Section II, Article III, Chapter XLIV of the laws of 1903, relating to special road taxes	88, 89, 164, 171, 204, 280, 282.
124	A Bill for an Act entitled, an Act to amend Sections 11 and 17 of Article III of an Act of the Eighth Legislative Assembly of the State of Montana, entitled "An Act entitled, an Act for the establishment of a uniform system of Road Government and Administration in the Counties of the State of Montana, and provide for the Levy, collection and Disposition of Road Tax, and providing penalties for the violation of the provisions of this Act; and to repeal an Act known as "House Bill No. 280," of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the Levy, Collection and Disposition of Road Taxes," approved March 4th, 1897; and to repeal an Act known as "House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled, "An Act to repeal Sections 2640, 2642, 2643, and 2680 as amended. of House Bill No. 280 of the Fifth Legislative Assembly of Montana, relating to the Levy, Collection and Disposition of Road Tax, and to provide for the collection of a special road tax," approved March 3rd, 1899; and to repeal Senate Bill No. 71," of the Session Laws of the Seventh Legislative Asembly of the State of Montana, entitled, "An Act for the establishment of a uniform system of road government and administration in the counties of Montana," Approved March 16th, 1901; and to repeal Section 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643,	

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125	A Bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or life diplomas, and the issuance of temporary state certificates	95, 96, 126, 154, 157, 158, 164, 166.
126	A Bill for an Act entitled, "An Act to establish a geological and natural history survey of Montana, and to make appropriation for said survey.	95, 96, 141.
127	A Bill for an Act to amend Chapter 32 of the laws of 1903, entitled an Act to amend Section 451 of the Civil Code relating to annual reports of corporations.	95, 96, 154, 208, 229, 231, 240, 260.
128	A Bill for an Act entitled An Act appropriating money for the payment of the claim of Lizzie Murphy for services rendered as stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October, and November, 1903	99, 170, 194, 207, 214, 225, 309, 320, 321, 323.
129	A Bill for an Act to amend Sections 51, 52, and 53, of Chapter XLIV of the Laws of 1903, relating to the inspection of Highways and Bridges by County Surveyors, and providing for the inspection of highways and bridges by a member of the Board of County Commissioners and for his compensation	99, 164, 201, 240, 254, 398, 415, 418, 419.
130	A Bill for an Act entitled, "An Act fixing a maximum rate for transportation of passengers by any railroad in Montana."	99, 171, 201, 202, 213, 214, 224, 226, 317, 334, 335, 339, 354, 355, 358.
131	A Bill for an Act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation hereof, providing for the inspection and analysis of foods, charging the Montana Agricultural College with the duty thereof, charging the County Attorneys with the enforcement hereof, and making an appropriation therefor	99, 100, 201, 224, 229, 231, 246, 261.
132	A Bill for an Act to amend Section 131, Article II, Title	

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	I, of the Civil Code of the State of Montana, and forbidding certain persons obtaining divorces from marrying again	115, 117, 153, 154, 194, 206, 207, 214, 226.
133	A Bill for an Act entitled, "An Act to regulate the rate per mile for transportation of passengers on railroads or railways, operated wholly or in part in the State of Montana, and providing penalties for the violation thereof	115, 117, 171, 201, 213, 214, 224, 226, 317, 334, 335, 339, 354, 355, 358.
134	A Bill for an Act entitled, "An Act to amend Section 4596 of Chapter IV, Title II, Part IV, of the Political Code of Montana, relating to the salaries of deputies and classification	115, 117.
135	A Bill for an Act entitled, "An Act to amend Section 4602 of Chapter IV, Title II, Part IV of the Political Code of Montana, relating to the number of deputies allowed County Treasurer, Assessor, Auditor and County Attorney, and to repeal House Bill 89 of the Session Laws of 1901, entitled "An Act relative to the number of assistants and deputy County Attorneys, in Counties of the first and second class, and allowing the county commissioners to fix the compensation thereof." Approved March 4, 1901	115, 117, 347, 358, 362, 364, 368, 372, 402, 407, 408.
136	A Bill for an Act entitled, "An Act providing for the selection of candidates for elections by popular vote, and relating to elections.	115, 117, 367, 368.
137	A Bill for an Act to amend Section 1096 of Chapter 15 of the Penal Code relating to cruelty to animals.	115, 117, 293, 322.
138	A Bill for an Act to amend an Act entitled, "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8, 1897, as amended by House Bill No. 13, Session of 1901, approved March 14, 1901	115, 117, 181, 212, 246, 261, 339, 355, 358.
139	A Bill for an Act to provide for establishment of a Board of Architectural Examiners, and providing certain requirements and qualifications for the practice of Architecture in the State of Montana.	115, 117, 182, 218, 228, 231, 290, 400.
140	A Bill for an Act entitled, "An Act to prohibit certain persons from conducting or maintaining law offices, to prevent certain persons from advertising or holding themselves out as attorneys at law, to prevent certain	

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141	A Bill for an Act entitled, "An Act to secure better safety to operators and passengers upon railroad trains, and providing a penalty for the violation thereof."	127, 128, 199, 247, 289, 297, 318.
142	A Bill for an Act to amend Section 752, Title XI, Part I, of the Penal Code of the State of Montana, relating to crimes against the public peace	127, 128, 153.
143	A Bill for an Act entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal, or other irrigation system of the National Government."	127, 128, 181, 218, 229, 231, 240, 260, 339, 355, 358.
144	A Bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen and trainmen, and to provide a penalty for the violation thereof	127, 128, 184, 218, 230, 240, 240.
145	A Bill for an Act entitled, "An Act to amend Section 1053 of the Civil Code of the State of Montana	127, 128, 315, 316, 356, 363, 368, 371.
146	A Bill for an Act to extend the boundaries of Gallatin County and to alter the boundaries of Broadwater County to conform thereto.	127, 128, 181.
147	A Bill for an Act changing the Eighth and Eleventh Judicial Districts of the State of Montana so that the Eleventh Judicial District shall be composed of Flathead County and the Eighth Judicial District shall be composed of Cascade and Teton Counties; providing for the transaction of Judicial business in the counties of Cascade and Teton; and to amend an Act entitled "An Act entitled an Act to amend Section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," passed by the Seventh Legislative Assembly, and approved March 11th, 1901, and to provide for an additional Judge for the Eighth Judicial District of the State of Montana.	127, 128, 180.
148	A Bill for "An Act to amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the duties of butchers and other persons slaughtering cattle and purchasing hides."	128, 153, 171, 194, 207, 234, 283.
149	A Bill for "An Act to amend Section 3848 of the Civil Code of Montana, relating to the satisfaction of mortgages."	128, 154, 201, 228, 231, 240, 242, 277, 290, 298.
150	A Bill for an Act entitled, "An Act to amend Sections 1760 and 1761, of the Code of Civil Procedure of the	

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151	A Bill for an Act entitled, "An Act to provide for the employment of State Prison Convicts for the benefit of the State, or any Political Division thereof.	143, 144, 179, 224, 311.
152	A Bill for an Act to prevent the sale of liquors on credit.	144, 199, 233, 274, 276, 280, 283.
153	A Bill for an Act to be entitled, "An Act to regulate the construction and operation of railroads in the State of Montana by establishing a State Board of Railroad Commissioners, and prescribing the powers and duties thereof."	144, 149, 179, 187, 196, 197, 204, 208, 252, 269, 301, 302, 321, 323.
154	A Bill for an Act for the submitting to the qualified electors of the State of Montana, amendments to Article V of the Constitution of the State of Montana, relating to the legislative department and providing for direct legislation.	144, 162, 163, 204, 222, 226, 227, 243.
155	A Bill for an Act entitled "An Act to conserve the health of female employees in Hotels, restaurants, manufacturing, mechanical and mercantile establishments and providing a penalty for the violation thereof	144, 149, 179, 206, 214, 215.
156	A Bill for an Act to add to Chapter VI, of Title IX, of the Penal Code of the State of Montana, relating to offenses against good morals, an additional section to to be designated Section 543, and relating to smoking of minors.	154, 155, 161, 201.
157	A Bill for an Act entitled, "An Act to establish a State Flag of Montana."	154, 156, 182, 212, 228, 231, 240, 255, 309, 320, 321, 323.
158	A Bill for an Act entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State School of Mines."	154, 156, 194, 228, 240, 254, 309, 320, 321, 323.
159	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the years 1903 and 1904."	154, 156, 194, 206, 207, 214, 216, 245, 262, 281.
160	A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims of certain persons for services rendered and supplies furnished the State Reform School."	154, 156, 194, 207, 214, 225, 245, 262, 281.
161	A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims of certain per-	

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162	A Bill for an Act entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered to the office of the Secretary of State..	154, 156, 194, 207, 214, 226, 245, 262, 281.
163	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home at Twin Bridges, Montana."	154, 156, 188, 205, 214, 215, 245, 262, 281.
164	A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building."	155, 156, 201, 213, 214, 220, 224, 309, 320, 321, 323.
165	A Bill for an Act entitled, "An Act appropriating the sum of Seventeen Thousand Dollars ($17,000.00) for the payment of claims of certain persons for money advanced for the erection of permament buildings and improvements on the property of the Montana State Fair."	155, 156, 201, 205, 214, 215, 245, 262, 281.
166	A Bill for an Act to appropriate money for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the insane asylum for the year 1904."	155, 156, 194, 206, 207, 214, 217, 245, 262, 281.
167	A Bill for an act to amend Section 1091 of the Penal Code of the State of Montana, relating to cruelty to animals	155, 156, 182, 218, 230, 240, 241, 277, 289, 290, 298.
168	A Bill for an Act to amend Section 1091 of the Penal Code of the State of Montana, relating to public morals	155, 156, 160, 161, 201, 228, 289, 329, 340, 341, 352, 354, 359.
169	An Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys.	155, 156.
170	A Bill for an Act to amend Section 1 of an Act entitled, "An Act to create in each County of Montana a Commission to be known as the County Agricultural Fair Commission, and providing an appropriation from the County Treasury of each county, of the sum of One Thousand Dollars to be expended by the Commission for County Fair expenses," and to amend said Act by adding Section VI.	155, 156, 208, 247, 256.

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171	A Bill for an Act entitled, "An Act to amend Sections 860 and 861 of Chapter V, Title I, Part III of the Political Code relating to salaries of Justices of the Supreme Court and Judges of the District Court."...	155, 156, 160, 201, 227, 228, 246, 260, 309, 320, 321, 323
172	A Bill for an Act entitled, "An Act relating to number of assistants allowed the Clerk of the District Court in counties of the first-class, and fixing the compensation allowed to said deputies and assistants in Counties of the first-class."...	155, 156, 232, 256, 290, 340, 344, 345, 352, 353, 390, 398, 402.
173	A Bill for an Act entitled, "An Act making all section lines, highways."...	155, 156, 181.
174	A Bill for an Act to amend, "An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection," approved March 7th, 1903, and to establish a Bureau of Child and Animal protection, and to provide for the appointment of a deputy and clerk, and defining their powers and duties and providing for their compensation...	155, 156, 171, 182, 233, 271, 280, 283, 348, 374, 384.
175	A Bill for an Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to Trustees of County Free High Schools; and for the repeal of Chapter LXIX of the laws of 1903, approved March 5th, 1903...	155, 156, 160, 201, 228, 240, 254.
176	A Bill for an Act providing for a Meat and Milk Inspector in cities having 4,000 inhabitants and over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of Meat and Milk and live domestic animals for food purposes and prescribing penalties for the violation of the provisions of this Act...	155, 156, 164, 274, 311, 343, 345, 358, 358, 403, 406, 417, 417.
177	A Bill for an Act to amend Section 16, Article XII, of the Constitution of the State of Montana, providing for the assessment of property...	155, 156, 280, 311, 362, 363, 368, 370.
178	A Bill for an Act entitled, "An Act appropriating money for the erection and equipment of a steam heating plant for the State School of Mines at Butte, Montana."...	155, 156, 251.
179	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for rewards."...	164, 165, 194, 206, 207, 214, 217, 245, 262, 263, 281.

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180	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim for expense of Attorney General."	164, 165, 261, 213, 214, 220, 223, 245, 262, 281, 289, 290.
181	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of Coal Mine Inspector for expenses incurred."	164, 165, 201, 213, 214, 220, 223, 245, 262, 281.
182	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Game and Fish Warden for expenses incurred."	164, 165, 170, 194, 214, 220, 222, 339, 390, 398, 402.
183	A Bill for an Act to amend Section 1314 and Section 1317, of the Code of Civil Procedure of Montana	164, 165, 171, 201, 233, 274, 276, 280, 284.
184	A Bill for an Act to regulate the practice of barbering and licensing persons to carry on such practice, and providing punishment for its violation	164, 165, 183, 234, 278.
185	A Bill for an Act appropriating money for the payment of the claim of P. B. Moss, on account of reward paid by him for the apprehension and arrest of Samuel E. Grady and Orton O. Mosier, for the crime of murder	164, 165, 251.
186	A Bill for an Act entitled, "An Act relating to bonds issued by foreign surety companies, authorized to do business in this State."	164, 165, 236, 278, 362, 364, 368, 374.
187	A Bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of Articles of Incorporation and stock certificates of Water User's Associations organized under the National Reclamation Act and prescribing the fees for such recording."	164, 165, 210, 247, 256, 320, 325, 328, 330, 380, 392, 393, 398.
188	A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of J. H. Calderhead and O. M. Holmes for expenses incurred and services rendered in the publication and distribution of 50,000 copies of the extra edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry."	165, 250.
189	A Bill for an Act making it a misdemeanor to give false information to a newspaper or other publication; to provide for its enforcement and a penalty for its violation	165, 180, 201, 228, 240, 242, 278, 298.
190	A Bill for an Act entitled, "An Act authorizing the Sheriff of any County and the Chief of Police of any city, or incorporated town, to take photographs of any person arrested for crime."	171, 174, 236, 283.
191	A Bill for an Act to amend Section 1903 of the Political	

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192	A Bill for an Act entitled, "An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions	172, 174, 180, 218, 230, 240, 255, 309, 320, 321, 323.
193	A Bill for an Act entitled, "An Act to promote Co-operation of the State with the National Government and enable Montana to receive the full benefit of National Irrigation Law, by providing for the creation of a commission to prepare and report on a revised irrigation code, fixing number of members, method of appointment, duties and compensation and appropriating Five Hundred Dollars for necessary expenses by said Commission."	172, 174, 252, 253, 259, 283, 342, 345, 349, 350, 404, 412, 417, 417.
194	A Bill for an Act entitled, "An Act providing that Waters Users Associations, organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to its stockholders, shall be exempt from corporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such Articles and issuing Certificate of Incorporation."	172, 174, 180, 233, 271, 180, 283, 380, 391, 392, 398.
195	A Bill for an Act authorizing the organization of Mutual Fire and Hail Insurance Companies.....	172, 174, 286.
196	A Bill for an Act authorizing the issuance of refunding bonds to the amount of One Hundred Thousand Dollars ($100,000.00) for the purpose of redeeming and refunding at a lower rate of interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds heretofore issued under Section 1630 to 1637 inclusive, of the Political Code of Montana.....	173, 174, 179, 233, 275, 282, 285, 339, 355, 358.
197	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian	173, 174, 194, 207, 214, 217, 309, 321, 323.
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199	A Bill for an Act entitled, "An Act making an appropriation for the payment of the deficiency claim of John F. Patterson, for services rendered the State of Montana, as Deputy Sheep Inspector."	173, 174, 194, 207, 214, 225, 367, 374, 384.
200	A Bill for an Act appropriating money for the purpose of refunding to counties the State's portion of all taxes, per centum and costs, paid more than once or erroneously or illegally collected and thereafter refunded by such counties, and providing for such refunding	173, 174, 194, 213, 214, 220, 223.
201	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Eighth Legislative Assembly for expenses incurred."	183, 185, 201, 227, 228, 240, 242, 339, 354, 355, 358.
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203	A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Board of Education for expenses incurred."	183, 185, 201, 228, 240, 241, 309, 321, 323.
204	A Bill for an Act appropriating money for the payment of claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1903 and 1904.	183, 185, 212, 227, 228, 240, 242, 413, 415, 418, 419.
205	A Bill for an Act entitled, "An Act to repeal Section 681 of Part IV, Division I, of the Civil Code of Montana, relating to the taxation of premiums received by Insurance Companies and corporations doing business in this State."	183, 185, 201, 247, 275, 276, 280, 284.
206	A Bill for an Act approving duplicate bounty certificates Numbers 146 and 222 in favor of Perry L. McCrea and appropriating money for the payment thereof	183, 185, 250, 283, 328, 334, 336, 380, 391, 392, 398.
207	A Bill for an Act to require paddle or fish wheels to be placed in all ditches and canals for the protection of fish.	183, 185, 257.
208	A Bill for an Act entitled "An Act for the appropriating of money for the payment of certain claims incurred in election contest cases."	188, 250, 292, 323, 325, 329, 331, 380, 391, 393, 398.
209	A Bill for an Act entitled, "An Act appropriating money	

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210	A Bill for an Act providing that all mortgages executed in the name of, or assigned or transferred to, a non-sident for the purpose of evading the payment of taxes thereon, shall be void	189, 190, 248.
211	A Bill for an Act to amend Section 1506, Chapter III, Title IX, Part II, of the Code of Civil Procedure of the State of Montana, relating to the service of summons in Justices Court	189, 190, 237, 278, 341, 345, 349, 351.
212	A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.	190, 308, 345, 361, 363, 370, 375.
213	A Bill for an Act to provide for the gathering and sale of unknown strays upon the public domain	190, 233, 234, 283, 342, 345, 352, 353.
214	A Bill for an Act entitled, "An Act permitting sole corporations to file amended articles of Incorporation and defining their powers."	191, 235, 265, 323, 327, 335, 380, 391, 392, 398.
215	A Bill for an Act entitled, "An Act to suppress pool rooms, to provide penalty for violation of its provisions and to secure the enforcement of such penalty and provisions."	191, 347, 352.
216	A Bill for an Act entitled, "An Act to provide for the enforcement of the Penal Statutes prohibiting gambling and for the removal of officers neglecting to discharge their duties in reference to the same."	195, 210, 265, 333, 379, 380, 384.
217	A Bill for an Act entitled, "An Act to amend Section 1912 of the Political Code of the State of Montana as amended by Substitute for Senate Bill No. 81, approved March 4th, 1897, and relating to the issuance of Certificates to teach in the public schools of Montana."	195, 196, 247, 283, 342, 345, 349, 350, 415.
218	A Bill for an Act to require railroad companies to make reports of accidents occurring on their roads, providing penalties for failure to make reports and making such companies liable for injuries to their employees.	195, 196, 280. 311.
219	A Bill for an Act entitled, "An Act granting unto the government of the United States the right to use or enlarge any canal or ditch required in whole or in part for the construction of irrigation works, by the United States within the State of Montana."	195, 196, 210, 247, 256, 326, 328, 334, 336, 380, 391, 392, 398.
220	A Bill for an Act entitled, "An Act to provide for the	

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	appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof, and providing rules and regulations for the use of voting machines in all counties, cities towns and districts of the State of Montana."	195, 196, 212, 247, 256, 274, 276, 282, 284.
221	A Bill for an Act entitled, "An Act creating a Commission to revise and codify the Laws of Montana, defining its duties, providing for the publication and distribution of its reports and providing for its compensation."	195, 196, 346, 367, 378, 379, 385, 394.
222	A Bill for an Act entitled, "An Act to enable the State to accept an offer of the United States, made by an Act of Congress, in relation to the Arid Lands, commonly known as the Carey Act, approved August 18th, 1894, and the amendments thereto, and to promote the reclamation and settlement to said lands, and to reimburse the State for money heretofore or hereafter used for such reclamation, by defining additional duties and powers of the Carey Land Act Board, relieving the State of liability, providing the method of letting contracts, for the reclamation and settlement of Arid Lands, providing for the ratification of contracts for the classification and disapproval of said lands, disposition of funds thus derived, making water rights appurtenant to the land reclaimed, granting the contractor constructing work for reclaiming such lands a lien upon the same and the water right appurtenant thereto for the purchase price of such water right and providing for the foreclosure and redemption of the same, permitting the use of the water for power purposes subjects of rights of irrigators, permitting the exercise of the right of eminent domain in connection with such reclamation work and providing for the conveyance of said board of any property acquired by the State the conveyance of which is necessary to the maintenance of any action or defense by the State in reference to such lands, fixing fees, appropriating funds and repealing from conflicting laws."	195, 196, 247, 320, 324, 328, 329, 402, 418, 419.
223	A Bill for an Act authorizing the Governor to appoint an agent to prosecute claims of the State of Montana against the United States and provide compensation therefor.	195, 196, 200, 276, 295, 343, 345, 352, 358.
224	A Bill for an Act to amend Section VI, Title IX, Part I, of the Penal Code of the State of Montana by adding thereto Sections numbered 543, 544 and 545, providing for the further regulation of places where intoxicating liquors are sold.	199, 200, 235, 283, 328, 329.
225	A Bill for an Act entitled, "An Act to amend Section 4233 of the Political Code of the State of Montana, relating to County Printing."	199, 200, 265, 327, 327.

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226	A Bill for an Act to amend Section 4247, Article III, Title II, Part IV, of the Political Code of the State of Montana, relating to the use of money set apart in a fund known as the "Bond Fund."	199, 200, 235, 236, 265, 341, 345, 352, 354.
227	A Bill for an Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to limitations of actions...	199, 200, 237, 283, 363, 370, 375, 412, 417.
228	A Bill for "An Act concerning the sale of shares of stock in Mining and Oil Companies."	199, 200, 237, 265, 342, 345, 352.
229	A Bill for an Act entitled, "An Act amending Section 3895, Part III, Title X, of the Political Code of the State of Montana, relating to notice of application for tax deeds."	199, 200, 235, 283, 352, 357, 412, 418, 419.
230	A Bill for an Act entitled, "An Act to amend Section 1198 of the Penal Code of the State of Montana, relating to nuisances."	199, 200, 248.
231	A Bill for an Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor."	199, 200, 234, 283, 362, 363, 365, 402, 417, 417.
232	A Bill for an Act entitled, "An Act to protect the owners of horses, and to cause the inspection of the same.	200, 308, 331, 345, 361, 363, 370, 375.
233	A Bill for an Act entitled, "An Act to define the word "Estrays", and to provide for the taking up, and disposing of estrays upon the public domain."	200, 301.
234	A Bill for an Act amending Section 606 of the Political Code of the State of Montana, and for the purpose of establishing a definition of what constitutes the practice of medicine in the State of Montana	200, 227, 283.
235	A Bill for an Act entitled, "An Act to make legal and valid certain special improvement district warrants, issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly of the State of Montana entitled, "An Act relating to Public Improvements in cities and towns, etc.' approved March 8th, 1897, in payment for the construction of a sanitary sewer in the said City of Havre."	209, 236, 278, 323, 326, 328, 331, 380, 391, 393, 398.
236	A Bill for an Act entitled, "An Act to amend Sections 11 and 17 of Article III, of an Act of the Eighth Legislative Assembly of the State of Montana, entitled 'An Act entitled An Act for the establishment of a uniform system of road government and administration in the Counties of the State of Montana, and to provide for the levy, collection and disposition of road tax, and	

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	providing penalties for the violations of the provisions of this Act; and to repeal an Act known as House Bill No. 280,' of the Session of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the Levy, Collection and Disposition of Road Taxes," Approved March 4th, 1897; and to repeal an Act known as House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled, "An Act to repeal Sections 2640, 2642, 2643, 2680 as amended by House Bill No. 280 of the Fifth Legislative Assembly of Montana relating to the levy, collection and disposition of Road Tax, and to provide for the collection of a special Road Tax," Approved March 3rd, 1899; and to repeal Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the establishment of a uniform system of road government, and administration in the Counties of Montana," Approved March 16th, 1901; and to repeal Sections 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, 2849, of the Political Code of the State of Montana," Approved March 2nd, 1903.....	209, 268.
237	A Bill for an Act to amend Section 690, Chapter IV, Title VI, of the Code of Civil Procedure of Montana, and providing for the contents of answers in civil actions.	209, 210, 235, 278, 342, 345, 352, 353.
238	A Bill for an Act to amend Section 1831, Chapter V, Title XIV, of the Code of Civil Procedure of Montana, and providing for services of notices and other papers.	209, 210, 234, 265, 327.
239	A Bill for an Act entitled "An Act to repeal Section 1318 of the Political Code, relating to elections."	209, 210, 237, 278. 341, 345, 352, 357, 380, 391, 392, 398.
240	A Bill for an Act entitled, "An Act providing for the mileage of State and County officers, and other persons who travel at the public expense.	209, 210, 248.
241	A Bill for an Act entitled, "An Act appropriating money to certain persons for the payment of claims presented to the State of Montana for cattle slaughtered under the Meat and Milk Inspection Law for the years 1903 and 1904.	210, 211, 212.
242	A Bill for an Act entitled, "An Act appropriating money	

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243	A Bill for an Act to amend Section 1480 of Title XI, Chapter I, of the Code of Civil Procedure of Montana, relating to place of trial of actions in Justices' Courts.	218.
244	A Bill for an Act entitled, "An Act to amend Sections 2, 15, and 24 of an Act entitled, 'An Act to create the office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation thereof.' "	218, 273, 311, 344.
245	A Bill for an Act to amend Section 1925 (b), Part III, Title III, of the Political Code of the State of Montan and to provide that when a complaint charging that a child is a juvenile disorderly person within the meaning of an Act entitled, "An Act to amend Sections 1920, 1921, 1922, 1923, 1924 and 1925, Part III, Title III, of the Political Code of the State of Montana and to provide for the compulsory education of all children between the ages of eight and sixteen years, to establish Industrial Schools, equip and conduct the same and to provide for the regulation of juvenile disorderly persons" passed at the Eighth Regular Session of the Legislative Assembly of the State of Montana, and approved March 3rd, 1903, is made before any Mayor, Justice of the Peace or Police Judge it shall be certified by such Magistrate to the District Court in and for the County in which the child resides or to a Judge thereof to whom such complaint is certified shall have authority to hear such complaint and order that the child be committed to the Industrial School provided for in said Act.	220, 221, 247, 283, 378, 379, 385, 390, 415, 419.
246	A Bill for an Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana.	221, 235, 265, 323, 327, 328, 335, 380, 391, 393, 398.
247	A Bill for an Act making appropriations for the Incidental Expenses of the Ninth Legislative Assembly of the State of Montana.	221, 256, 263, 264, 269, 270, 277, 297, 318, 320, 367, 374, 384.
248	A Bill for an Act entitled, "An Act appropriating money for the re-imbursement of Organized Water Users' Associations for fees paid the Secretary of State, on filing articles of incorporation and issuance of certificate of incorporation prior to the passage and approval of an Act entitled, "An Act providing that Water Users' Associations organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to stockholders, shall be exempt from	

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	incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such articles and issuing certificate of Incorporation."	221, 250.
249	A Bill for an Act to amend Section 2385 of the Political Code of Montana, providing for the loan of books belonging to the State Library.	221, 384, 398, 400, 401, 405, 408, 415, 419.
250	A Bill for an Act entitled, "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to licenses of peddlers, hawkers, and traveling merchants."	231, 248.
251	A Bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian and to make an appropriation for such experiments.	231, 352, 371, 378, 379, 380, 385, 393, 415, 419.
252	A Bill for an Act to provide for the support of the government of the State of Montana, for the years 1905 and 1906.	224, 256, 328, 329, 334, 336, 380, 391, 393, 398.
253	A Bill for an Act entitled, "An Act to amend Section No. 4740 and Section 4748 of the Political Code of the State of Montana, relating to officers and election of officers in cities having a population of eighteen thousand or over."	230, 238, 278, 343, 345, 352, 357.
254	A Bill for an Act entitled, "An Act regulating the issuance of licenses for the sale of intoxicating liquors outside the limits of incorporated cities and towns within this State."	238, 239, 278, 342, 345, 349, 351.
255	A Bill for an Act entitled, "An Act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana," approved March 6th, 1897, as the same in now in force after an amendment by an Act entitled, "An Act to amend Section 4063 and 4064 of the Political Code of the State of Montana," approved March 4th, 1901, relating to Licenses.	238, 239, 265, 342, 345, 349, 351, 380, 391, 392, 398, 399, 411, 418, 419.
256	A Bill for an Act entitled, "An Act providing for the selection of candidates for elections, by popular vote and relating to elections."	239, 249, 311.
257	A Bill for an Act to amend Section 16 of House Bill No. 147 passed by the Seventh Legislative Assembly en-	

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258	A Bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana an amendment to Article V of the Constitution of the State of Montana, relating to the Legislative Department, and providing for direct legislation.	251, 253, 257, 265, 271, 272, 287, 298, 299.
259	A Bill for an Act entitled, "An Act empowering the Inspectors of Mines to design and enforce sanitary reglations in underground mines, and providing a penalty for the violation of the provisions thereof.	251, 253, 292, 343, 345, 349, 352.
260	A Bill for an Act entitled, "An Act amending Article XII of Chapter II, Part III, of the Political Code, relating to reports of State Officers."	251, 253, 316, 345, 361, 363, 368, 370.
261	A Bill for an Act entitled, "An Act making appropriations for the executive and judicial departments of the State Government, and maintenance of State Institutions, for the fiscal years ending Nov. 30, 1905, and Nov. 30, 1906	252, 253, 315, 356, 364, 377, 379, 385, 395, 405, 411, 418. 419.
262	A Bill for an Act entitled, 'An Act appropriating money for the payment of claims of certain persons for fees and expenses allowed by law for appraising cattle that were slaughtered by order of the State Veterinarian."	252, 253, 283, 323, 325, 328, 331, 396, 397, 401, 406, 407, 408.
263	A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals under the provisions of Sections 3005 and 3006 of the Political Code."	252, 253, 283, 296, 297, 318, 320, 367, 374, 384.
264	A Bill for an Act entitled, "An Act appropriating money for the payment of claims of D. J. Whaley and C. B. Tabor account services rendered the Eigthh Legislative Assembly of the State of Montana."	252, 253, 283, 323, 325, 328, 330, 380, 391, 392, 398.

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265	A Bill for an Act appropriating money for the deficiency claims of the Public Printing for expenses incurred...	252, 253, 292, 323, 325, 328, 331, 389, 394, 398, 402.
266	A Bill for an Act entitled, "An Act appropriating money for the payment of claims of G. A. Pritchett and Nena Curry account services rendered the Ninth Legislative Assembly of the State of Montana."	252, 253, 292, 323, 325, 328, 331.
267	A Bill for an Act entitled, "An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.	252, 253, 323, 326, 328, 332, 380, 391, 392, 398.
268	A Bill for an Act entitled, "An Act appropriating money for the payment of claims of Amelia Breidenbach for services rendered as stenographer to the office of Attorney General during the months of December, 1902 and January, 1903.	252, 253, 295, 323, 326, 328, 332, 380, 391, 392, 398.
269	A Bill for an Act entitled, "An Act for the appropriations of money to pay the bounty claims of certain persons."	252, 253, 292, 323, 325, 328, 331.
270	A Bill for an Act entitled, "An Act to provide for a State Veterinary Surgeon and Deputies; and to define the powers and duties of each; and to provide for the eradication of disease in domestic live stock, their quarantine and sanitary inspection; and to repeal acts covering this subject; and to provide penalties for violations of this Act or regulations prescribed herein."	252, 253, 292, 360, 381, 382, 383, 384, 400, 401, 405, 408, 415, 416.
271	A Bill for an Act entitled, "An Act to provide for cumulative voting in the election of Representatives in the Legislative Assembly of the State of Montana."..	252, 253, 345.
272	A Bill for an Act to create the office of Chaplain to the State Penitentiary.	253, 254, 273, 311.
273	A Bill for an Act entitled, "An Act to compel street railway companies to protect certain of their employees from inclemencies of the weather.".....	255, 266, 295, 343, 345, 349, 350.
274	A Bill for an Act to amend Subdivision VI of Section 403, to amend Section 411, and to add subdivision VIII, to Section 520 of the Civil Code of the State of Montana, relating to Corporations, and to provide for the issuance of preferred stock.....	259, 260, 266, 283, 327, 334, 337, 380, 391, 392, 398.
275	A Bill for an Act to enlarge the powers of corporations as to disposing of or selling their property and to authorize and empower corporations to dispose of or	

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276	A Bill for an Act entitled, "An Act to appropriate money for the Montana State Board of Horticulture."	260.
277	A Bill for an Act to amend Section 15 of Chapter CIX, "An Act to amend Sections 1, 2, 7, 8, 9, 15 and 19 of an Act entitled, 'An Act to create the Montana State Board of Horticulture,' to prescribe its duties and powers and to appropriate money therefor, approved Feb. 17th, 1899; and as amended by the act of March 14th, 1901, and to add to said act certain new sections to be designated as Sections 21 to 28 inclusive.	260.
278	A Bill for an Act concerning the registration of directors or trustees of Corporations.	260, 266, 283, 323, 326, 328, 333.
279	A Bill for an Act to prohibit temporary places of business and exhibitions adjacent to the grounds of State and County Fairs, and to provide a penalty therefor...	267, 273, 311, 363.
280	A Bill for an Act entitled, "An Act to create and provide a disability Fund for paid Fire Departments in cities or towns, and to amend "An Act providing that taxes received from Fire Insurance Companies, Corporations and Associations doing business in the State of Montana be applied to the maintenance of Fire Departments," Approved March 7th, 1903.	267, 297, 322, 342, 345, 352, 357.
281	A Bill for an Act prohibiting the school trustees of any school district from permitting the use of any school house within their district for public entertainment or for any purpose other than school purposes, when objection is made by five or more taxpayers of the district.	267.
282	A Bill for an Act entitled, "An Act to impose a license tax on express companies."	267, 295, 296, 345.
283	A Bill for an Act entitled, "An Act to impose a license tax on companies operating sleeping or parlor cars. ..	267, 296, 322.
284	A Bill for an Act entitled "An Act requiring corporations doing business in the State of Montana, to pay an annual license fee."	267, 295, 345, 360.
285	A Bill for an Act to amend Section 4230 of the Political Code of Montana by adding thereto a subdivision numbered 28, empowering the Board of County Commissioners to offer rewards for the apprehension of persons charged with felony.	267, 316, 341, 344, 345, 352, 356.
286	A Bill for an Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department and providing	

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287	A Bill for an Act to amend Sections 12 and 15 of the Code of Civil Procedure relating to the Supreme Court and providing for two additional Justices of said Court and fixing the terms of the additional Justices, providing for the election of their successors, and designating the persons who shall hold the office of additional Juctices for the first term.....	285, 287, 340, 356, 360, 366, 402, 412, 413, 414, 415, 417.
288	A Bill for an Act defining the time of beginning and ending of a day's work in underground mines.	286, 287, 295, 322, 342, 345, 352, 355, 358.
289	A Bill for an Act entitled, "An Act to regulate the practice of Telegraphy in Montana and to establish the office of Telegraph Examiner.	286, 287.
290	A Bill for an Act entitled, "An Act relative to number of assistants allowed treasurers in Counties of the first class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the first class	287, 316, 341, 344, 345, 353, 380, 391, 392, 388.
291	A Bill for an Act to amend Section 2 of an Act entitled, "An Act to amend Sections 1737, 1742, and 1910 of the Political Code of the State of Montana, relating to Public Schools; also Section 1756, Subdivision 15 of Section 1797, and subdivision 3 of Section 1830, relating to Public Schools as said Sections are now in force after amendment by Act of the Fifth Legislative Assembly, approved March 1897; all of the foregoing Sections being contained in Part 3, Title 3, Chapter 6, of the Political Code," as said sections are now in force after amendment by Act of the Seventh Legislative Assembly of the State of Montana, approved March 14th, 1901.	287, 316, 345, 361, 363, 368, 372.
292	A Bill for an Act entitled, "An Act making appropriations for the Executive and Judicial Departments of State Government and maintenance of State Institutions for the fiscal years ending Nov. 31, 1905 and 1906.	293, 322, 377, 379, 385, 395, 418, 419.
293	A Bill for an Act to amend Sections 1 and 2 of an Act to create the Montana State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefore, approved Feb. 17, 1899, as amended by Chapter CIX of the Eighth Legislative Assembly..	298, 299, 316, 358, 362, 363, 368, 372, 412, 418, 419.
294	A Bill for an Act to enable the State Board of Land Commissioners through the State Engineer's Office to investigate the feasibility of irrigating State Lands; to determine the available water supply; to appropriate water for said lands; and making an ap-	

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	propriation for field and office expenses of such work...	298, 299, 334, 342, 345, 349, 351, 353, 361, 363, 370, 375, 402, 412, 417.
295	A Bill for an Act to authorize the Courts of Record of this State to issue injunctions to restrain persons or corporations from violating any of the provisions of Section 20 of Article XV of the Constitution of the State of Montana or of any law or laws enacted for enforcing said section pending the final determination of any action, civil or criminal, brought in any court for the purpose of enforcing said section of the Constitution or any law or laws enacted thereunder.	311, 345, 361, 363, 368, 373, 412, 416, 417, 417.
296	A Bill for an Act to add an additional Section to Article II, Chapter II, Title II, Part IV of the Political Code of Montana, relating to County Printing, to be designated as Section 4234 providing a penalty for violation of Section 4233 of the Political Code.	311, 346, 347, 358, 363, 368, 373.
297	A Bill for an Act entitled, "An Act to extend the limit of indebtedness of cities and towns, and authorizing any city or town to incur an indebtedness within such extended limit, by the issuance of bonds for the purpose of acquiring a water supply and system and providing for the submission of the question of incurring such indebtedness to a rate of the taxpayers affected thereby."	319, 320, 324, 352.
298	A Bill for an Act entitled, "An Act to revise and establish the name of Sacajawea (The Bird Woman) to a branch of the Musselshell River, in Fergus County, State of Montana."	322, 324, 345, 360, 368, 373.
299	A Bill for an Act providing for the publication of the enactments of the first and second extraordinary sessions of the Eighth Legislative Assembly and to secure compliance with the contract for the publication of the laws.	322, 324, 343, 345, 345, 352, 368, 373.
300	A Bill for an Act entitled, "An Act appropriating money to defray the expenses of the Joint Committee appointed to investigate the School of Mines, the State University and Insane Asylum."	329, 356, 363, 365, 401, 407, 408.
301	A Bill for an Act entitled, "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to licensing of peddlers, hawkers, and traveling merchants as amended by H. B. No. 160 of the Fifth Legislative Assembly of the State of Montana, entitled "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers, and traveling merchants," approved March 3, 1897."	329, 352, 363, 368, 372, 402, 416, 417, 417, 419.

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302	A Bill for an Act to prohibit Bucket Shops and Bucket-shoping within this State.	339.
303	A Bill for an Act making appropriations for the State Institutions of Montana for the fiscal years, ending November 30, 1905, and November 30, 1906.	348, 358, 362, 363, 365, 399, 405, 405, 405, 408, 418, 419.
304	A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of A. T. Wright, account services rendered the Ninth Legislative Assembly."	348, 367, 378, 379, 385, 393.
305	A Bill for an Act to authorize the compromise of outstanding disputed evidences of indebtedness of Cities and Towns issued for municipal purposes and now held or owned by Bona Fide holders thereof for value, and the issuance of funding Bonds therefor.	348, 369, 378, 379, 381, 385, 395.
306	A Bill for an Act to provide for the payment of employees semi-monthly in Mines, Mills, and Smelters in the State of Montana, and providing a penalty for the violation thereof.	356, 359, 371, 378, 379, 385, 394.
307	A Bill for an Act to amend Subdivision 5, Section 3701, of the Political Code of the State of Montana, relating to the assessment of property.	356.
308	A Bill for an Act fixing the maximum number of deputy sheriffs in counties of the first class and the maximum annual compensation thereof.	359, 360, 383, 389, 400, 401, 401, 407, 415, 417.
309	A Bill for an Act appropriating money for the deficiency claim of James B. Toughill for services rendered as stenographer to Attorney General during the months of September, October, and November, 1904.	369, 378, 379, 385, 394, 412, 418, 419.
310	A Bill for an Act entitled, "An Act appropriating money for the deficiency claims of certain persons for services rendered, and supplies furnished, account of Farmers' Institute."	369, 378, 379, 385, 394, 412, 416, 417, 417.
311	A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of the Bozeman Chronicle account Printing for the Agricultural College at Bozeman, during the year 1902.	369, 379, 385, 394, 412, 416, 617, 417.
312	A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of G. A. Pritchett, account services rendered the Ninth Legislative Assembly of the State of Montana	379, 389, 400, 401, 401, 407.
313	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Rocky Mountain Bell Telephone Company, for services rendered the Attorney General's Office of the State of	

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	Montana, during the years of 1901, 1902 and 1903.....	393, 404, 409, 410, 410, 415, 418, 419.
314	A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under the provisions of Sections 3005 and 3006 of the Political Code."	401, 404, 410, 410.
315	A Bill for an Act entitled, "An Act making appropriations for two additional Justices of the Supreme Court of the State of Montana and additional clerical keep therefor for the fiscal years ending November 30, 1905, and November 30, 1906.	404, 404, 410, 411,

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1	Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.	25, 34, 42, 44, 61, 63, 96, 100, 143.
2	Providing for the appointment of a Commission to examine into and report upon an adequate water supply for the State Capitol and grounds	43. 85, 141, 175, 176, 180, 186, 245, 259, 281.
3	Requesting Senators and Representatives in Congress to support the Hearst Interstate Commerce Bill.	80, 92, 130, 131, 143, 145.
4	Relating to the reclamation of Arid Lands of the State.	165, 197, 204, 238.
5	Relating to Interstate Commerce.	218.
6	Relating to the investigation into the plan of operations of State Life and Industrial Insurance	278, 334.
7	Relating to the suppression of trusts and monopolies...	282, 322, 323, 380, 398.
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10	Authorizing the Attorney General to institute an investigation into the operations of trusts, etc.	313, 354, 355. 358.
11	Relating to Homestead Entry on 640 acres of land.	346, 378. 379. 385, 395.
12	For the creation of a Commission to be known as the "Commission on State Finance."	349.

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2	A Bill for An Act to amend Sections 950, 951, 953 and 954 of the Civil Code of the State of Montana, Title VIII, Chapter III, Part IV, Division I, relating to the liability of railway companies for the killing or injuring of Live Stock	49, 140, 175, 176, 180, 186, 245, 261, 281.
3	A Bill for an Act to provide for the formation of cemetery associations, to define their powers and duties and provide for their management and control.....	86, 141, 146, 157, 201.
5	A Bill for an Act entitled, "An Act to amend Section 2776 of the Code of Civil Procedure of the State of Montana, relating to compensation of executors and Administrators	93, 96, 97, 100, 112.
6	A Bill for an Act entitled an "Act providing for the submission to the qualified electors of the State of Montana for their approval or rejection, an amendment to Section 10, Article XI of the Constitution of the State of Montana, relating to the election of County Superintendents of Schools"	38, 74, 89.
8	A Bill for an Act to amend Section 4024 of the Political Code of the State of Montana, relating to the protest of taxes, and providing for an action at law to recover taxes paid under protest, by adding thereto a section to be known as Section 4024-A, relating to assessment and collection of taxes.	253, 268, 288, 289, 294, 355.
11	A Bill for "An Act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal College."	86, 96, 108.
12	A Bill for an Act entitled "An Act to define lawful fences; and to repeal Section 3250 of the Political Code and an Act, approved March 16th, 1901, entitled an Act to amend Sections 3250, Chapter XIII, Title VII Part III of the Political Code of the State of Montana	188, 220, 275, 276, 279, 323.
13	A Bill for an Act entitled, "An Act to amend Section 3001, of the Political Code of Montana, relating to the duties and powers of the State Veterinary Surgeon."	234, 275, 276, 279, 323.
15	A Bill for an Act entitled, "An Act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a board of Sheep Commissioners, and appoint inspectors, and deputy inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Sur-	

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	geon in connection therewith, and to repeal an Act entitled, "An Act for the appointment of a Board of Sheep Commissioners and to define their powers and duties," Approved March 5, 1897, and Section 3030 to Section 3046 inclusive of the Political Code covering the same subject	239, 249, 288, 289, 293.
17	A Bill for an Act to provide for the gathering and sale of unknown strays upon the public domain.	171, 175.
18	A Bill for an Act entitled "An Act prohibiting the employment of children under sixteen years of age, in underground mines and providing penalties for the violation of the provisions thereof."	96, 127, 145, 146, 156, 201.
19	A Bill for an Act to amend Section 2977, Title One, Part IV, of the Penal Code of the State of Montana, relating to compensation of sheriff for transportation of prisoners and insane persons.	161, 166, 167, 236, 266, 288, 289, 297, 317, 329.
20	A Bill for an Act to amend Section 403 and 520 of the Civil Code, of the State of Montana, relating to Corporations.	96. 161, 166, 167, 174, 268.
21	A Bill for an Act to amend Sections 2512, 2514, 2515 and 2527 of the Political Code of the State of Montana, relating to the Soldiers' Home	350, 368, 376, 379, 388.
25	A Bill for an Act entitled, "An Act to empower the Boards of County Commissioners of the several counties to expend certain money belonging to such counties according to the class thereof, for the purpose of encouraging immigration thereto, and the location of manufacturing and other commercial undertakings therein, and the settlement of the farming lands thereof, and to require them to do so under certain conditions, and designating who shall act as the agents of said Boards in carrying out said purposes."	185, 233.
26	A Bill for an Act entitled, "An Act authorizing an officer of a corporation to take oath for and on behalf of his corporation where the corporation is authorized to act as trustee, guardian, executor, administrator or fiduciary capacity, and an oath of office is required."	117, 152, 157, 158, 166, 201.
27	A Bill for an Act amending Section 577, Chapter IV, Title II, Part IV, Division I, of the Civil Code of the State of Montana, relating to State banks and providing penalty for false statements, reports or entries in the books thereof.	117, 152, 157, 158, 166, 169, 182, 225.
28	A Bill for an Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, 1413 and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361, of the same Code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7, 1901, relating to ballots, voting and election returns and providing	

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	further protection for the voter while preparing his ballot and casting the same.	188, 286, 287, 296, 297, 317, 338, 371, 414.
30	A Bill for an Act entitled "An Act to amend Section 1000 of the Civil Code of the State of Montana."	253, 268, 294, 370.
31	An Act to amend Section 4328 of the Political Code of the State of Montana, relating to the classification of counties.	165, 181, 191, 192, 202, 225.
32	A Bill for an Act entitled "An Act to regulate the issuance of Licenses to retail liquor dealers in cities, towns, villages or camps containing a population of less than One Hundred."	350, 384, 388, 389, 400, 401, 409, 417.
33	A Bill for an Act entitled "An Act to amend Section 1, Chapter 67 of the Session Laws of 1903 of the State of Montana relating to the creation in each county of Montana of a commission to be known as a County Agricultural Fair Commission, and providing an appropriation from the County Treasurer of each County of the sum of one thousand dollars to be expended by the Commission for County Fair Expenses."	253, 273.
35	A Bill for an Act to amend Section 5039, of the Political Code of Montana, relating to the establishment and maintenance of public libraries.	188, 347, 359, 360, 364, 399.
36	A Bill for an Act to detach Meagher County from the Ninth Judicial District, and to annex it to the Tenth Judicial District.	165, 180, 191, 192, 202, 225.
38	A Bill for an Act entitled "An Act to prevent and punish the desecration of the flag of the United States."	239, 329, 341, 345, 349, 399.
39	A Bill for an Act entitled "An Act amending Title XII, of Chapter XIV, Part III, Article III, of the Code of Civil Procedure of the State of Montana, relating to the powers and duties of guardians by adding two Sections thereto, to be known as Sections 2989 and 2990."	239, 249, 288, 289, 293, 355.
41	A Bill for an Act entitled "An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of intoxicating beverages, on the line of any railroad grade, irrigation ditch, or canal in the course of construction."	181. 235, 275, 276, 279, 280, 323.
42	A Bill for an Act to compel railway corporations or associations to maintain facilities for shipment and delivery of freight and passengers wherever there is a platted townsite of record upon the line of such railway having not less than one hundred inhabitants and providing a penalty for the violation of this act.	165, 186, 187, 188, 201.
43	A Bill for an Act entitled, "An Act to amend Section 373, Title IV, Part I, of the Code of Civil Procedure of	

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	Montana, by increasing the duties of stenographers of District Courts."	188, 237.
45	A Bill for an Act entitled, "An Act to amend Section 224 of the Political Code of Montana relating to compensation of officers and employees of the Legislative Assembly."	311, 346, 359, 360, 364.
46	A Bill for an Act entitled, "An Act to amend Section 20 of an Act entitled, "An Act to establish a tax on direct and collateral inheritances, bequests and devises, to provide for its collection and direct the disposition of its proceeds" Approved March 4, 1897."	253, 268, 288, 289, 294, 311, 356.
47	A Bill for an Act entitled, "An Act to amend Section 3866 of the Civil Code of Montana relating to the renewal of mortgages of personal property, as amended by Senate Bill No. 46, Session of 1903, Approved March 4, 1903."	253, 266, 288, 289, 293, 356.
48	A Bill for an Act entitled an Act regulating Foreign corporations and Joint Stock Companies doing a banking business within the State of Montana, and prescribing penalties and punishments for violation of the provisions thereof.	253, 319, 334, 345, 352, 354, 401, 407, 408.
49	A Bill for an Act to authorize the appointment of a Water Commissioner for the measurement, distribution and division of water, under decree of court, and to regulate proceedings in connection therewith.	347, 359, 360, 365.
50	A Bill for an Act entitled, "An Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as amended by an Act approved March 11, 1901, entitled "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana", providing for the number of judges of the several district courts of the State of Montana."	239, 248, 249, 258, 259.
51	A Bill for an Act to authorize the organization of Mutual Hail and Fire Insurance Companies.	253, 286, 296, 297, 317, 370.
54	A Bill for an Act to amend Section 472 of the Civil Code of Montana, relating to corporations.	239, 316.
55	A Bill for an Act requiring State Officers, Officials and persons in charge of State Institutions to make out quarterly reports of property in their charge and file same and providing penalties for failure so to do	239, 274, 289, 294, 370.
56	A Bill for an Act to amend Section 523 of the Code of Civil Procedure, relating to the time of commencing actions.	253.

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59	A Bill for an Act entitled, An Act to amend Section 4230 of the Political Code relative to the jurisdiction and power of County Commissioners, by adding an additional sub-division thereto."	239, 248, 275, 276, 280, 323.
60	A Bill for an Act entitled, "An Act to amend Section 4240 of the Political Code relative to the authority of County Commissioners to issue Bonds on the credit of the County."	239, 248, 275, 276, 280, 323.
63	A Bill for an Act entitled, "An Act to amend Section 939 of the Penal Code of the State of Montana, relating to the removal of mortgaged personal property from the place where it is situated at the time it is mortgaged."	350, 388, 400, 401, 409, 417.
64	A Bill for an Act entitled, "An Act relating to internal Improvements in cities and towns, authorizing the issuance and collection of special improvement warrants or bonds upon the property benefited by local improvements."	346, 359, 364, 414.
65	A Bill for an Act entitled, "An Act to provide for the compilation, annotation, publication and distribution of the Laws of Montana since the publication of the Codes of Montana in 1895."	278, 316.
68	A Bill for an Act entitled, "An Act to compel railway corporations or associations to establish a daily (except Sunday) train service on all branch lines, the terminus of which is at any city or town having a population of more than five hundred, and to maintain proper facilities for the transportation of passengers, and providing a penalty for the violation thereof."	311, 319, 323.
71	A Bill for an Act to amend Title VIII, Division II, Part IV of the Civil Code of the State of Montana, relating to the appropriation of water for beneficial purposes, and defining the rights of appropriators by adding two new sections to be numbered Sections 1903 and 1904.	278, 340, 341, 345, 349, 367, 371, 399.
73	A Bill for an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, "An Act for an Act to amend Section 410 of the Political Code of Montana relating to the fees of the Secretary of State," approved March 2nd, 1899, relating to the fees of the Secretary of State, and also an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, "-A Bill for an Act to amend Section 410 of the Political Code of Montana, relating to the fees of the Secretary of State," approved March 2nd, 1899, relating to the fees of the Secretary of State, Approved March 9th, 1903.	369, 383, 400, 401, 403, 417.
75	A Bill for an Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriators.	350, 383.
77	A Bill for an Act entitled, "An Act authorizing the in-	

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	corporation of endowment and investment companies."	369, 388, 400, 401, 408, 417.
79	A Bill for an Act entitled, "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such act in any county, and to amend Sections 1206 of the Political Code as amended by the laws of 1899 and 1260 of the Political Code.	350, 368, 377, 379, 388, 417.
81	A Bill for an Act to permit Foreign Sureties Companies to do business in the State of Montana, and to regulate the methods thereof.	381.
84	A Bill for an Act to regulate the speed and operation of automobiles and motor vehicles on highways.	369, 383, 400, 401, 403, 414.
87	A Bill for an Act to amend Section 4604 of the Political Code of the State of Montana, relating to the compensation and mileage of sheriffs.	381, 383, 384, 402, 409, 417.

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2	Relative to the Improvement of the Postal System.	185, 233, 274, 276, 402, 403.
3	Relating to erection of a monument to General Thomas Francis Meagher.	381, 383, 400, 401, 404, 414.

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HOUSE JOURNAL

FIRST DAY

HOUSE OF REPRESENTATIVES.

Helena, Montana, January 2, 1905.

Pursuant to law, at the hour of 12 noon, the House of Representatives of the Ninth Legislative Assembly of the State of Montana, was called to order by the Honorable A. N. Yoder, Secretary of the State of Montana.

Secretary of State appointed Nathan Godfrey temporary secretary.

The roll was called, and the members presented their certificates of election, with the exception of Jacob M. Kennedy, member from Silver Bow, absent.

Secretary of State Yoder introduced Associate Justice Milburn, who administered the oath of office to the members present, who duly signed it as follows:

Bembrick, B. F.,
Bennett, Alden J.,
Berry, William West,
Blake, Harold Niles,
Blakenship, Edwin Van,
Brewster, George W.,
Brigham, Orin Pierce,
Buck, Amos,
Burt, George W.,
Carriher, Charles E.,
Canoll, Harry N.,
Christian, Edward H.,
Coleman, John A.,
Collier, Parie O.,
Cone, John F.,
Decker, Alpheus,
Dempster, Charles William,
English, Gus. B.,
Everett, Thomas Madison,
Fairbanks, Charles E.,
Forsythe, Benjamin O.,
Geyman, Charles L.,
Harrington, Daniel,
Hayes, John,
Hedges, Wyllys Anderson,
Hewett, Marcus L.,
Hilman, John Roland,
Huntington, E.,
Johnston, William M.,
Lannin, Charles,
Lanstrum, Oscar Monroe,
Leiper, A. P.,
Linderman, Frank Bird,
Metcalf, George,
Meunier, Joseph,
Mulroney, Edward Camillus,
Mumbrue, Daniel P.,
Murray, Charlie Livingston,
Murphy, John S.,
MacDonald, Alexander D.,
MacGinnis, John,
O'Brien, Sylvester,
O'Connor, John E.,
Patten, T. M.
Potter, Samuel E.
Quigley, John R., Jr.,
Reel, William A.,
Roach, Dennis R,
Roll. J. F.,
Ross, Samuel M.,
Sales, Walter Henry,
Sanden, Fred S.,
Sanders, James,
Schoonover, James Samuel,
Selway, Earnest Owens,
Sewell, Jonathan,
Shannon, Joseph,
Starz, Emil,
Stevens, Melyer,
Sullivan, D. J.,
Sullivan, Timothy D.,
Sykes, Henry N.,
Teskey, Angus,
Vandyck, Lewis Henry,
Walker, Thomas, J.,
Wellman, Marcus A.,
Wiedeman, George J.,
Williams, William Henry,
Wilson, Charles Albert,
Wood, George Rodney,
Wyman, John Sidney,

On motion of Linderman, Lanstrum, of Lewis and Clark, was made Temporary Chairman.

Linderman and McGinnis were appointed to escort Lanstrum to the chair.

Nominations for Speaker of the House now being in order, Bennett placed in nomination the name of Honorable Wyllys A. Hedges, of Fergus.

Dempster nominated Carles Lannin, of Silver Bow. O'Connor nominated William M. Johnston, of Yellowstone.

Nominations being closed, roll was called with the following result:

Those voting for Hedges were as follows:

Messrs. Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe. Hewett, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Ross, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams and Wilson—36.

Those voting for Lannin were as follows:

Messrs. Coleman, Dempster, Geyman, Meunier, Murphy, MacGinniss, O'Brien, Shannon, Walker and Wyman—10.

Those voting for Johnston were as follows:

Messrs. Bembrick, Berry, Blakenship, Canoll, Collier, Harrington, Hayes, Huntington, McDonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wellman and Wood—22.

Those not voting were Hedges, Johnston and Lannin; Kennedy absent.

Hedges, having received a majority of all the votes cast, was declared duly eletced Speaker of the House.

The chairman selected Murray and Sanden to escort Mr. Speaker to the chair.

The Speaker called for nominations for officers and employees of the House.

On motion of Lanstrum, the following were placed in nomination as officers and employes of the House:

M. L. Hewett, Speaker Pro Tem.; Nathan Godfrey, Chief Clerk; J. C. Blake, Assistant Chief Clerk; F. C. Pearson, Journal Clerk; Elizabeth Blake, Enrolling Clerk; Mrs. J. S. Keerl, Engrossing Clerk; William Houston, Sergeant-at-Arms; Marshall N. Race, Assistant Sergeant-at-Arms; O. B. Crane, Door Keeper; H. M. Butler, Assistant Door Keeper; M. Leach, Assistant Door Keeper; Z. H. Daniels, Day Watchman; George Hanks, Night Watchman; M. C. Kinney, Janitor; Rev. M. M. Maxwell, Chaplain; James Davis, George Wilson, Guy Allen and Victor Hebert, Pages.

On motion of Johnston, the following were placed in nomination as officers and employees of the House:

A. D. McDonald, Speaker Pro Tem; X. K. Stout, Chief Clerk; H. A. Van Horn, Assistant Chief Clerk; Fred Tucker, Sergeant-at-Arms; J. K. Smith, Assistant Sergeant-at-Arms; Joseph Piercy, Door Keeper; Miss Alice Woody, Engrossing Clerk; Miss Carry Kalb, Enrolling Clerk; Robert Sennett, Jimmy Davis, James Hunter, William Crayon and George Appal, Pages.

Motion by Lanstrum, that the vote for Speaker be considered the vote for officers and employees of the House.

Substitute motion by Dempster, that the list of proposed officers and employees, presented by Johnston, be declared elected.

Motion to amend substitute motion, by Bennett, that the caucus vote of the separate parties for officers and employees be considered the vote for officers and employees of the House.

Amendment to substitute motion carried; substitute motion lost.

Lanstrum's original motion, having carried, the list of names presented by him was declared duly elected as officers and employees of the House of Representatives.

Mr. Speaker Hedges introduced Associate Justice Holloway, who administered the oath of office to the officers and employees of the House.

Prayer by Chaplain.

Committee from the Senate, composed of Senators White, Durham and Kohrs, reported that the Senate was duly organized and ready for business.

Motion of Murray, that a Committee of two be selected, by the Speaker, to meet with a like Committee of the Senate, to notify the Governor that they

were duly organized and ready for business, Bennett, of Madison, and Johnston, of Yellowstone, were named.

On motion of Lanstrum that a committee of three be appointed by the Speaker to notify the Senate that the House was duly organized and ready for business, Mr. Speaker appointed Lanstrum, MacGinniss and McDonald.

Motion by Mulroney, that the House rules of the Eighth Assembly be adopted as the rules of the Ninth. Motion carried.

Motion by Everett, of Chouteau, that a committee of three be appointed to allot the seats. Motion carried by a vote of 34 to 31 upon division of House.

Mr. Speaker appointed Hewett, English and Roach as the committee.

Chairman Lanstrum, of the committee to notify the Senate, reported that his committee had performed its duty.

Chairman Bennett, of the committee to notify Governor Toole, reported that the Governor had left the building and probably could not be found until to-morrow. Committee instructed to report to-morrow.

On motion by Lanstrum, of Lewis and Clarke, that House adjourn until 2 P. M. tomorrow, the 3rd inst., the House adjourned at 2 P. M.

.....

Speaker.

.....

Chief Clerk.

SECOND DAY

Tuesday, January 3rd, 1905.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll was called and all members found present except Kennedy, of Silver Bow.

The minutes of the previous day were read and approved.

J. M. Kennedy, of Silver Bow County, reported and asked to be allowed to present his credentials and be sworn.

Chairman Bennett, of the Committee to notify the Governor that the House was ready to transact business reported that his committee had performed its duty. Report accepted by the chair.

Mr. Bennett moved that a committee of three be appointed by the Speaker to notify the Senate to meet with the House in the hall of the House. Motion prevailed.

The chair appointed the following committee to notify Senate: A. J. Bennett, of Madison County, A. D. McDonald, of Flathead County and John MacGinnis of Silver Bow.

Mr. Speaker ordered that Mr. Kennedy, of Silver Bow, present his credentials and be sworn. Justice Holloway administered oath of office, which was signed by Kennedy.

JOINT SESSION.

At 2:30 P. M. the Honorable Senate appeared at the bar of the House, and were duly introduced and received, and the Joint Assembly was presided over by the Lieutenant Governor.

On motion of Senator White, a joint committee of two members from the House and Senate were appointed to notify the Governor that the Joint Assembly was in session and ready to listen to any communication he might have to make. The President of the Senate appointed on such committee Senators Maddox and Mahon and Representatives Bennett and McDonald.

Governor Toole was escorted to the Speaker's desk and introduced, and proceeded to deliver his message to the Joint Assembly.

Maddox, of Cascade, moved that the thanks of the Joint Assembly be tendered the Governor for his delivery of his message. Carried unanimously by rising vote.

On motion of Senator White the Joint Assembly was dissolved, and the Senators returned to their chamber.

HOUSE RESUMED.

Murray, of Cascade, moved that the Speaker of the House be empowered to appoint a clerk for his own official use. Motion carried.

Mr. Speaker appointed Minnie S. Bowers as clerk for his own official use.

On motion by Lanstrum that a committee of five be appointed by the Speaker, to subdivide the Governor's message, and recommend these subdivisions to the various committees, the Speaker appointed Hewett, Johnston, O'Connor, Mumbrue and Wiedeman.

Mr. Speaker requested that all motions, etc., be sent to the desk in writing.

On motion of Wilson, a committee of three was appointed by the Speaker to operate with a like committee from the Senate to choose a postmaster. Motion carried and Speaker appointed Wilson, Burt and Berry.

On motion of Lanstrum, the Chief Clerk was given authority to appoint a bill clerk for the ensuing session of the Ninth Legislative Assembly.

Motion by Linderman, that when House adjourn, it adjourn until 2 P. M. tomorrow. Motion prevailed.

NOTICE OF BILLS.

By Lanstrum: A bill for an act for the submitting, to the qualified electors of the State of Montana, amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department; and providing for direct legislation.

By Dempster: A bill entitled an act to compel street railway companies to protect certain of their employees from the inclemencies of the weather.

By Dempster: A bill entitled an act for the submitting, to the qualified electors of the State of Montana, amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department; and providing for direct legislation.

By Williams: A bill entitled an act to amend Sections II and IV; and to add Sections VIII and IX to Senate Bill Number 106 of the Session Laws of 1901; relating to the office of the coal-mine inspector, and providing penalties for the same.

By Macdonald: A bill entitled an act to amend Sections 950, 951, 953 and 954 of the Civil Code of the State of Montana, Title VIII, Chapter III, Part IV, Division I, relating to the liability of railway companies for the killing or injuring of livestock.

By MacGinnis: A bill for an act entitled an act to regulate primary elections.

On suggestion of Linderman, that the janitor be notified to keep the windows of the House closed on one side at all times, the Speaker then ruled that, unless an objection was raised, he would so order.

By Mulroney: A bill entitled an act providing for a railroad commission.

By Canoll: A bill entitled an act to create a railroad commission.

On motion of Wyman, at 3:30 P. M., the House adjourned.

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Speaker.

.....

Chief Clerk.

THIRD DAY

Wednesday, January 4, 1905.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, and all members found to be present except Murray and Potter. Murray excused by the chair.

Mr. Speaker stated that Bembrick requested his name to appear in place of Berry.

Request granted.

The minutes of the previous day were read and approved.

Mr. Speaker appointed Potter, Stevens, English, Wood and Sanden as standing committee on Mileage and Per Diem.

The following communications were received:

"Jan'y 3rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following is a complete list of the officers elect of the Senate: President Pro Tem, B. F. White; Secretary, C. E. Wight; Assistant Secretary, J. A. Shoemaker; Sergeant-at-Arms, D. A. McDonald; Assistant Sergeant- at-Arms, Comley Heaton; Journal Clerk, W. D. McLaren; Assistant Journal Clerk, Mrs. Nena Curry; Enrolling Clerk, Mrs. Grace Dyson; Engrossing Clerk, Miss Mabel Morrison; Committee Clerks, Miss Hattie Lane, Miss Grace Irland, Miss Agnes Shay, Miss May Maloney; Door Keeper, George Robertson; Assistant Door Keepers; Eugene Sampson, Harry Hill; Day Watchman, E. H. Breuster; Night Watchman, Row Murrell; Chaplain, Rev. James F. McNamee; Pages, Frank Burke, John Blanchard, Fred F. Lay.

Respectully,

C. E. WIGHT, Secretary."

"Jan'y 3rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the Senate has appointed a committee of three, consisting of Senators Maddox, McCarthy and Tewey, to act with a like committee from the House, to arrange for a Postmaster for both houses.

Respectfully,

C. E. WIGHT, Secretary."

"Jan'y 3rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senators White, Durham and Kohrs have been appointed as a committee to notify the House that the Senate is organized and is ready for business.

Respectfully,

C. E. WIGHT, Secretary."

"Jan'y 3rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senators Maddox and Mahon have been appointed a committee of two to meet with a like committee of the House to notify the Governor that the Senate and House have been organized and are ready for business.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Mont., Jan. 3rd, 1905.

To the Honorable Speaker and House of Representatives of the State of Montana:

Gentlemen:—

The Rocky Mountain Bell Telephone Company present the usual courtesy of the free use of its toll lines to all members of your Honorable body when called for from the House telephone, or from any one of our public stations.

If acceptable, will you kindly furnish this office with the printed list of your members entitled to use of lines under this privilege.

Yours truly,

A. G. MILLER, Supt. Mont. Div."

On motion of Dempster, the offer was accepted and thanks of the House ordered returned to Mr. Miller.

NOTICE OF BILLS.

By Shannon: A bill for an act, entitled an act to provide for the payment of employes semi-monthly by corporations and other employers of labor.

By Mulroney: A bill for an act relating to ballots in elections for public officers within this state, (except school district officers) providing that the name of any person shall not be or appear more than once upon the ballot.

By Ross: A bill for an act entitled, An act to determine the liability of persons or corporations operating railways or railroads in this State for damages

sustained by employes thereof, and to declare void contracts restricting such liability.

By Lanstrum: A bill for an Act entitled "An Act Establishing a State Board of Health, County Boards of Health, Providing for the Establishment of Boards of Health in Towns and Cities, Defining the Powers and Duties of Each, Providing for the Compensation of the Members and Officers of Each, Providing for the Enforcement of the Rules and Regulations and Laws Relating to said Boards, and to Repeal an Act Entitled, "An Act Creating a State Board of Health, Defining its Powers and Duties, and Providing for the Compensation of its Officers, and Providing for the Enforcement of the Rules and Regulations of said Board," approved March 15, 1901."

By Berry: A Bill for an act Entitled an act to provide for the registration of births and deaths, The enforcement thereof, and to repeal sections 2871 to 2875 inclusive, of the Political Code.

By Van Dyck: A Bill for an Act to regulate the payment of Employes, Laborers and wage workers, in the State of Mont.

By Coleman: A bill authorizing the use of automatic ballot machines at all elections.

By O'Connor: A bill for an act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said section is amended by an act approved Mch 11, 1901; entitled "An Act to amend section 32, Title (1) Part (1) Chapter IV, of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," relating to the election and term of office of District Judges.

By Macdonald: A Bill for an Act to Provide for the Formation of Cemetery Associations, to Define their Powers and Duties and Provide for their Management and Control.

By Starz: A bill entitled an act to establish a geological and natural survey of the State of Montana.

On motion of Lanstrum, Mr. Speaker appointed Lanstrum, Canoll and Sanders as a committee of three to confer with a similar committee from the Senate to arrange for the establishment of a restaurant on the Capitol grounds.

On motion of Bennett, the Engrossing Clerk and the Enrolling Clerk were each authorized to select a competent assistant.

Wilson, from a special committee, reported as follows:

"Helena, January 4th, 1905.

Mr. Speaker:

Your committee appointed to act with a like committee of the Senate to select a postmaster for the Legislature, respectfully report that we have selected K. A. Guilliams as postmaster, and recommend that he receive a salary of five dollars per day.

We also report and recommend that Arthur Cressap be employed as postoffice and telephone messenger, and that he receive a salary of four dollars per day.

Respectfully submitted,

WILSON, Chairman."

Report adopted.

On motion of Sewell, the names of Willie McEachren, of Deer Lodge, and Arthur Bessette, of Silver Bow, were added to the list of pages of the House and employed as pages.

On motion of Sales, the Speaker was authorized to appoint a Janitor for the House Chambers. Mr. Speaker appointed H. H. Rowley.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Lanstrum: H. B. No. 1. A Bill for, an act entitled "An Act for the submitting to the qualified electors of the State of Montana, Amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation.

Read first and second time and to be referred to the Committee on Privileges and Elections, when that committee shall have been named.

By Dempster: H. B. No. 2. A Bill for an act entitled "An Act for the submitting to the qualified electors of the State of Montana, Amendment to

Article V of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation.

Read first and second time and to be referred to the Committee on Privileges and Elections, when that committee shall have been named.

By Williams: H. B. No. 3. A bill for an act entitled "An act to amend Sections II and IV, and to add Sections VIII and IX to Senate Bill Number 106, of the Session Laws of 1901, relating to the office of Coal Mine inspector, and providing penalties for the violation thereof.

Read first and second time and to be referred to the Committee on Mines and Mining, when such committee shall have been named.

By Macdonald: H. B. No. 4. A bill for an act to amend Sections 950, 951, 953 and 954 of the Civil Code of the State of Montana, Title VIII, Chapter III, Part IV, Division I, relating to the liability of Railway Companies for the killing or injuring of livestock.

Read first and second time and to be referred to the Committee on Railroads and Transportation, when such committee shall have been appointed.

Motion, by Dempster, that, when the House adjourn, it adjourn until 2 P. M. tomorrow.

On motion of Kennedy, at 3 P. M., the House adjourned.

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Speaker.

.....
Chief Clerk.

FOURTH DAY

Thursday, January 5th, 1905.

House met pursuant to adjournment at 2 P. M.

Prayer by Chaplain.

Roll called and all members found present except Lannin, MacGinnis and Potter.

Journal of previous day was read and approved.

Mr. Speaker appointed Lieper, Murray, Mulroney, Everett, Blake, Teskey, Lannin, Starz and Reel as standing committee on Privileges and Elections.

Mr. Speaker appointed Everett, Mulroney, Blake and Johnston as a standing commitee on Rules, Joint Rules and Order of Business.

The following communications were received from the Senate:

"Jan. 4, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Notice of Introduction of Bills was given as follows:

By Whipple: A Bill providing for Semi Annual payment of taxes.

By Brennan: A Bill Creating a Railway and Warehouse Commission.

By Brennan: A Bill for an Act to Amend Sections 950-951-953 and 954 of the Civil Code of the State of Mont., Title VIII, Chapter III, Part IV, Div. I, Relating to the Liability of Railroad Companies for the Killing and Injuring of Live Stock.

By White: I hereby give notice that on tomorrow, or some subsequent day, I will introduce a Bill for an Act, entitled "An Act" to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal College.

By White: Offer A Resolution to change the Membership of the Standing Com. on Fish and Game, from 3 to 5.

Respectfully,
C. E. WIGHT, Secretary of Senate."

"Jan. 4, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senators Brennan, Ralston and Donlan have been appointed a committee of three to act with a like committee from the House to confer with the State Board of Exam-

iners regarding a suitable lunch counter to be provided for the use of the members of the Legislature.

C. E. WIGHT, Secretary of the Senate."

NOTICES OF BILLS.

By Van Dyck: A Bill entitled An Act to Amend an Act of the Eighth Legislative Assembly of the State of Montana, Approved, March 6th, 1903. Entitled, "An Act to amend Section 1124 of the Penal Code of the State of Montana, and Sections 3070, 3071, 3072, 3073 of the Political Code of the State of Montana, Relating to Bounties of Wild Animals.

By Sales: A bill for an act entitled: An act authorizing the County Commissioners of any County to provide public scales at any suitable Location in the County, providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher.

By Sanden: A Bill for an act to repeal Section 4064 of the Political Code of the State of Montana, relating to licenses.

By O'Connor: A Bill for an act entitled an act to create a Board of Railroad Commissioners, and to define their powers and duties and to provide their compensation.

By O'Connor: A Bill for an act entitled an act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle."

By Shannon: A Bill for an act entitled an act to provide for operating Mines, when the working of such mines has been prevented by injunction or restraining order.

By Hilman: A Bill for an Act entitled, "An Act to Add to Part III, Title V, Chapter IV, Article IV of the Political Code of Montana, relating to the Soldier's Home, an additional section to be designated Section 2531, relating to the employment therein of the Inmates thereof, and providing for their compensation and payment.

By Sullivan of Lewis and Clarke: A Bill for an act to Conserve the Health of Female Employes in Hotels, Restaurants, Manufacturing, Mechanical and Mercantile Establishments and providing a penalty for the violation thereof.

By Wilson: A Bill for an Act entitled an act to establish a Bureau of Child and Animal Protection, and to provide for the appointment of a commissioner and deputy commissioners who shall have charge of said bureau, and defining their powers and duties and providing for their compensation, and to repeal an act of the Eighth Legislative Assembly of the State of Montana, entitled "An Act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection," approved March 7th, 1903.

By Wilson: A bill relating to the appropriation for the incidental expenses of the Ninth Legislative Assembly of Montana.

By Wilson: A Bill relating to the appropriation of moneys for the payment of Mileage and Per Diem for the Members, Officers and Attaches of the Ninth Legislative Assembly.

By Williams: A bill for an act entitled, an act providing for the creation of a Board of Examiners, to examine into the qualification of all applicants for inspection of all underground mines, prescribing their duties and fixing the compensation of such examiners; and for the appointment, by the Governor, of such persons as inspectors, who have been duly examined and received certificates of qualification from said board.

By Berry: A bill for an act entitled, an act to amend Section 1191 of Chapter II of Title XV of Part I of the Penal Code of Montana.

By Wilson: A bill relating to eight hour amendment to the Constitution, and Child Labor.

By Brigham: A bill for an Act entitled, An Act to Amend Sections 30 and 31 of an act entitled "An act relating to Public Improvements in Cities and Towns, and Repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898 and 4899 of the Political Code of the State of Montana", approved March 8th, 1897.

By Walker: A bill entitled, an act to amend Section 1961 of Article XVII,

Chapter VI, Part III, Title III, of the Political Code, relative to the issuance of School Bonds.

Mr. Speaker referred the communication, regarding election contests, presented on the 2nd day, from the Secretary of State, to the Committee on Privileges and Elections.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Ross: H. B. No. 5: A bill for an act entitled "An act to determine the liability of persons, or corporations operating railways or railroads in the State, for damages sustained by employes thereof, and to declare void contracts restricting such liability.

By O'Connor: H. B. No. 6. A bill for an act entitled, an act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said section is amended by an act approved March 11, 1901, entitled "An act to amend section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure and to provide for an additional Judge for the Second Judicial District of the State of Montana, relating to the election and terms of office of District Judges."

By Lanstrum: H. B. No. 7: A bill for an act entitled "An act establishing a State Board of Health, County Boards of Health, Providing for the Establishment of Boards of Health, in Towns and Cities, Defining the Powers and Duties of Each, Providing for the Compensation of the Members and Officers of Each, Providing for the Enforcement of the Rules and Regulations and Laws relating to said Boards, and to Repeal an act entitled 'An act creating a State Board of Health, Defining its Powers and Duties, and Providing for the Compensation of its Officers, and Providing for the Enforcement of the Rules and Regulations of said Board.' Approved March 15, 1901."

By Berry: H. B. No. 8: A bill for an act entitled "An act to provide for the registration of births and deaths, the enforcement thereof, and to repeal Sections 2871 to 2875, inclusive, of the Political Code."

By Van Dyck: H. B. No. 9. An act entitled "An act Providing for the Payment of Certain Employes and Laborers and Wage Workers semi-monthly, in lawful money of the United States, and for the Prevention of Assignment of Future Wages, under this act, and providing Penalties for any Violation of the same.

MOTIONS AND RESOLUTIONS.

On motion of O'Connor, Mrs. Alice Zeiter, of Rosebud County, was appointed stenographer to the Chief Clerk and for the general use of the Assembly.

On motion of Lanstrum, it was ordered that 2500 copies of the Governor's message be printed for general distribution.

On motion of Bennett, the Senate was notified of the action of the House in connection with the printing of the Governor's message.

On motion of Dempster, Dempster, Sales and Everett were appointed a committee to draught resolution of condolence for the deceased colleague of the Eighth Legislature, Honorable John Morrissy, of Deer Lodge.

READING OF HOUSE BILLS.

H. B. No. 5 read first and second time and to be referred to Committee on Railroads and Transportation, when such committee shall have been named.

H. B. No. 6 read first and second time and to be referred to Judiciary Committee, when such committee shall have been named.

H. B. No. 7, on motion of Johnston, was read first and second time by title only, and referred to Committee on Internal Improvements, when such committee shall have been named.

H. B. No. 8 read first and second time and referred to Committee on State Boards and Officers, when such committee shall have been named.

H. B. No. 9 read first and second time and referred to Committee on Labor, when such committee shall have been named.

The following communication was received from the Senate:

"Mr. Speaker: I am directed by the Senate to inform your Honorable body, that the notice of introduction of bills was given as follows:

By Miles: A bill to permit appeals to the District Court from the action of the County Board of Equalization on the assessment and equalization of property.

By Martien: A bill to establish a railroad and transportation commission for the State of Montana.

By Glidden: A bill to regulate the question of usury.

Respectfully,

C. E. WIGHT, Secretary."

On motion of Lanstrum, at 2:55 P. M., the House adjourned until 2 P. M. tomorrow.

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Speaker.

.....

Chief Clerk.

FIFTH DAY

Friday, January 6th, 1905.

House met pursuant to adjournment at 2 P. M., Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members present except Geyman.

Mr. Speaker ordered the journal of the previous day corrected, in regard to the absence of Potter, Lannin and MacGinnis.

Mr. Speaker appointed Linderman, Carriher, Burt, Wood and Roach as a standing committee on Printing.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"To the Speaker of the House of Representatives, House of Representatives, Helena, Montana:

Dear Sir: I am grieved to announce to the House of Representatives the death of Hon. W. B. Hudnall, State Examiner, which occurred at his home in this city, about six o'clock this morning.

He was a faithful, industrious and painstaking officer whose death is a distinct loss to the Executive Department of this State.

J. K. TOOLE, Governor."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Notices of Introduction of Bills were given as follows:

By Brennan: "A Bill to amend Sections 2776 of the Code of Civil Procedure, relating to the compensation of Executors and Administrators."

By Brennan: A Bill to provide for the formation of Cemetery Associations, to define their powers and duties and provide for their management and control."

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 5, 1905.

To the Speaker of the Montana State House of Representatives:

The Helena Public Library wishes to extend to the members of the State Legislature, and to the families of members, a cordial invitation to make free use of all the privileges of the public library during the session of the Ninth Legislative Assembly. Hoping that you will take advantage of this invitation,

Very respectfully,

MARGUERITE BOWDEN, Acting Librarian."

"Helena, Jan. 3, 1905.

Hon. Wyllys Hedges, Speaker of the House of Representatives of the State of Montana:

Dear Sir: I have the honor to transmit herewith a package purporting to be the papers in the contest of the election of M. A. Wellman to the office of Representative for the County of Lewis and Clarke in the Ninth Legislative Assembly of the State of Montana by T. Wesley Richardson, contestant.

This package is unopened and in the same condition as received at this office.

Yours respectfully,

A. N. YODER, Secretary of State."

Helena, January 3, 1905.

Hon. Wyllys Hedges, Speaker of the House of Representatives of the State of Montana:

Dear Sir: I have the honor to transmit herewith a package purporting to be the papers in the contest of Louis Rotwitt against B. F. Bembrick.

This package is unopened and in the same condition as received at this office.

Yours respectfully,

A. N. YODER, Secretary of State."

"Helena, January 3, 1905.

Hon. Wyllys Hedges, Speaker of the House of Representatives of the State of Montana:

Dear Sir: I have the honor to transmit herewith a package purporting to be the papers in the contest case of John McCullough vs. E. E. Huntington.

This package is unopened and in the same condition as received at this office.

Yours very truly,

A. N. YODER, Secretary of State."

"Helena, January 3, 1905.

Hon. Wyllys Hedges, Speaker of the House of Representatives of the State of Montana:

Dear Sir: I have the honor to transmit herewith a package purporting to be the papers in the contest of the election of James S. Schoonover to the office of Representative for the County of Granite in the Ninth Legislative Assembly of the State of Montana by James McGowan.

This package is unopened and in the same condition as received at this office.

Yours respectfully,

A. N. YODER, Secretary of State."

On objection of Kennedy, the Speaker announced that the communications, concerning election contests, received on the third day of January, the second day of the session, were received in open house from the Secretary of State and filed with the Chief Clerk.

Contest papers were referred to Committee on Privileges and Elections.

NOTICES OF BILLS.

By Murray: A bill entitled an act to authorize and empower cities and towns to establish, maintain and regulate bathing places.

By Shannon: A Bill for an Act entitled An Act to Amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana, Relating to officers, and election of officers in cities of the first class.

By Sanden: A Bill for an act to amend Section 4604 of the Political Code of the State of Montana, relating to the Expenses of Sheriffs for transporting prisoners and insane persons, and for Serving Process of Court.

By Sanden: A bill for an act to amend Section 4220 of the Political Code of the State of Montana, relating to Sessions of County Commissioners.

By Johnston: A bill for an act entitled "An act to amend Section 2130 of Chapter II, Title IV, Part III, of the Code of Civil Procedure, relating to liens of Mechanics and others, upon real property, and providing for the giving of written notices before such liens may be claimed."

By Johnston: A bill for an act entitled "An act to amend Section I, of an act approved February 22nd, 1899, entitled 'An act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to pleadings in civil actions.'"

By Starz: A bill entitled "An act to regulate the sales of poisonous substances and requiring the keeping of a register of such sales."

REPORT OF SELECT COMMITTEES.

"Helena, Montana, Jan. 6, 1905.

Mr. Speaker: Your committee appointed to act with a like committee from the Senate to consult with the State Furnishing Board relative to the establishment of a restaurant for the accommodation of members of the legislature and its employees, begs leave to report that they have granted the privilege to J. A. Urquhart, with the understanding that the same prices and service are to maintain as did two years ago.

Respectfully submitted,

LANSTRUM, Chairman."

On motion of Wilson, the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced:

H. B. No. 10: By Hilman: A Bill for an act entitled "An Act to Add to Part III, Title V, Chapter IV, Article IV of the Political Code of Montana, relating to the Soldier's Home, an additional section to be designated 2531, relating to the employment therein of the inmates thereof, and providing for their compensation and payment.

By O'Connor: H. B. No. 11. A Bill for an act entitled An Act to create a Board of Railroad Commissioners, to define their powers and duties and to provide their compensation.

By O'Connor: H. B. No. 12. A Bill for an act entitled "An act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle."

By Wilson: H. B. No. 13. An Act to Appropriate Moneys for the Payment of Mileage and Per Diem for the Members of the Ninth Legislative Assembly of the State of Montana; also of the payment of Per Diem of the Officers and Attaches thereof.

By Wilson: H. B. No. 14. An Act Making Appropriation for the incidental expenses of the Ninth Legislative Assembly of the State of Montana.

By Sanden: H. B. No. 15. A Bill for An Act to Repeal Section 4064 of the Political Code of the State of Montana, Relating to Licenses.

MOTIONS AND RESOLUTIONS.

By Lieper: That the Committee on Privileges and Elections be empowered to employ a clerk. Carried.

By Linderman: That the Committee on Printing be empowered to employ a clerk. Carried.

On motion of Walker, that a committee of three be empowered by the chair to draw up suitable resolutions out of respect of the memory of the late State Officer Hudnall, and that the same be recorded in the minutes and forwarded to the family of the late deceased; the Speaker appointed Walker, Hewett and O'Connor.

Dempster moved that the Committee on Mileage and Per Diem be empowered to employ a clerk.

Sanden moved that motion to employ a clerk for the Committee on Mileage and Per Diem, be laid on the table. Carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 10 read first and second time, and referred to Committee on Military Affairs, when that committee shall have been named.

H. B. No. 11 read first and second time and referred to Committee on Railroads and Transportation, when that committee shall have been named.

H. B. No. 12 read first and second time and referred to Committee on Livestock and Public Ranges, when that committee shall have been named.

H. B. No. 13 read first and second time and referred to Committee on Appropriations, when that committee shall have been named.

H. B. No. 14 read first and second time and referred to Committee on Appropriations, when that Committee shall have been named.

H. B. No. 15 read first and second time and referred to Judiciary Committee, when that committee shal have been named.

H. B. No. 5, which was yesterday referred to Committee on Railroads and Transportation, today was re-referred to Committee on Labor.

On motion of Shannon, at 3:05 P. M., the House adjourned until 2 P. M., Monday, the 9th inst.

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Speaker.

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Chief Clerk.

EIGHTH DAY

Monday, January 9th, 1905.

House met pursuant to adjournment at 2 P. M.

Prayer by the Chaplain.

Roll called and all members present except Bennett, Blankenship, Buck, Christian, Forsythe, Kennedy, Roll, Schoonover, Stevens, Wellman and Wiedeman. Mr. Speaker excused Buck, Wellman and Wiedeman.

Journal of the previous session was read and approved.

Mr. Speaker announced the following committees:

Labor—Ross, Williams, Metcalf, Wilson, Carriher, Hayes, Wyman, Meunier and Harrington.

Engrossment—Wilson, Ross, Sewell, Shannon and Bembrick.

Enrollment—Cone, Potter, Wiedeman, Sullivan, T. D. and Hayes.

Mr. Speaker announced that the Chairman of the Committee on Mileage and Per Diem requested that all those members who have not yet reported their mileage to the Committee, do so as soon as possible.

NOTICES OF BILLS.

By Dempster: A Bill for an Act to Authorize and Direct the Erection of a Flag-Staff, to the End that the United States Flag shall be Floated above our State Capitol Building.

By Walker: A bill for an act entitled "An act amending section 3695 of the Political Code of the State of Montana, relating to taxation of Private Bankers, Brokers or Dealers in Stock."

By Coleman: A bill providing for the appointment of a Code Commission and defining its powers and duties, and fixing the compensation and expenses of same.

By Johnston: A bill for an act entitled "An act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure, relating to exemptions to married persons and to persons who are heads of families."

By Johnston: A bill for an act entitled "An act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 15 of Article XII of the Constitution of the State of Montana, relating to state and county boards of equalization."

By Berry: A bill for an act entitled "An Act appropriating money for the purchasing of certain books necessary to perfect and complete the State Law Library."

By Wilson: A Bill to determine the Liability of Corporations Operating Mines; Smelters or Mills for the refining of Ores; and to repeal Section 2 of the Eighth Legislative Assembly of Montana."

REPORTS OF SELECT COMMITTEES.

"Mr. Speaker: Your Committee, appointed to draft resolutions on the death of the late Honorable Wm. B. Hudnall, desire to send the following resolution to the desk and ask for its adoption:

'Resolved, that the members of the Ninth Legislative Assembly of the State of Montana, have received with profound sorrow the intelligence of the death of Honorable William B. Hudnall, late Bank Examiner and for a number of years a distinguished citizen of this State, and

Resolved, that we recognize the eminent public services and private virtues of the deceased, and

Resolved, that the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased."

T. J. WALKER,
J. E. O'CONNOR,
MARCUS L. HEWITT."

On motion by Walker, the above resolution was adopted.

INTRODUCTION OF BILLS.

By Sales: H. B. No. 16: Entitled a Bill for an act entitled "An act Authorizing the County Commissioners of any County to provide public scales at any suitable location in the County; providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers;

and fixing penalty for the issuance of a false certificate by any such public weigher."

By Macdonald: H. B. No. 17. A Bill for An Act to Provide for the Formation of Cemetery Associations, to Define their Powers and Duties, and Provide for their Management and Control.

By Wilson: H. B. No. 18. A Bill for An Act to repeal "An Act to prevent wrongs to children and dumb animal protection," approved March 7th, 1903, and to establish a bureau of child and animal protection, and to provide for the appointment of a commissioner and deputy commissioners who shall take charge of said bureau, and define their powers and duties and providing for their compensation."

By Brigham: H. B. No. 19: A bill for an act entitled "An act to amend Sections 30 and 31 of an Act entitled 'An act relating to Public Improvements in Cities and Towns, and Repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, and 4899 of the Political Code of the State of Montana, approved March 8th, 1897."

By Shannon: H. B. No. 20: A Bill for An act entitled "An act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana, Relating to Officers and Election of Officers in Cities of the first class."

By Johnston: H. B. No. 21. A Bill for an act entitled "An Act to amend Section 2130 of Chapter II, Title IV, Part III, of the Code of Civil Procedure relating to liens of mechanics and others, upon real property, and providing for the giving of written notices before such liens may be claimed.

By Johnston: H. B. No. 22. A Bill for an act entitled "An act to amend Section I, of an act approved February 22nd, 1899, entitled 'An Act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to Pleadings in Civil Actions.'"

By Williams: H. B. No. 23. A Bill for an act entitled "An act to provide for a board to examine into the qualifications of applicants for the position of Coal Mine inspectors and metalliferous mine inspectors, of Montana, prescribing the duties and fixing the compensation of such examiners, and for the appointment, by the Governor, of two metalliferous miners, two coal miners, and one mining engnieer, who shall constitute said Board of Examiners, and providing further for the appointment, by the Governor, of such mine inspectors from among those applicants who have passed the proper examination and filed with the Governor certificates of qualification issued by the said Board of Examiners."

By Sanden: H. B. No. 24. A bill for an act to amend Section 4220 of the Political Code of the State of Montana, relating to sessions of the Boards of County Commissioners.

By Sanden: H. B. No. 25. A bill for an act to amend Section 4604 of the Political Code of the State of Montana, relating to the expenses of Sheriffs for transporting prisoners and insane persons, and for serving process of Court.

MOTIONS AND RESOLUTIONS.

On motion of Linderman, R. E. Gray was appointed proof reader and Fred Albrecht, clerk, for the Committee on Printing.

READING OF HOUSE BILLS.

Johnston moved that the rules be suspended and that the bills be read for the second time by title only. Carried.

H. B. No. 16 read first and second times and referred to Committee on Judiciary.

H. B. No. 17 read first and second time and referred to Committee on Judiciary.

H. B. No. 18 read first and second time and referred to Committee on Internal Improvements.

H. B. No. 19 read first and second time and referred to Committee on Judiciary.

H. B. No. 20 read first and second time and referred to Committee on State Boards and Officers.

H. B. No. 21 read first and second time and referred to Committee on Judiciary.

H. B. No. 22 read first and second time and referred to Committee on Judiciary.

H. B. No. 23 read first and second time and referred to Committee on Mines and Mining.

H. B. No. 24 read first and second time and referred to Committee on Judiciary.

H. B. No. 25 read first and second time and referred to Committee on Judiciary.

Linderman moved that when the House adjourn, it adjourn until 11 A. M. tomorrow, the 10th instant.

On motion of Lanstrum, at 2:43 P. M. the House adjourned.

.....
Speaker.

.....
Chief Clerk.

NINTH DAY

Tuesday, January 10, 1905.

MORNING SESSION.

House met pursuant to adjournment at 11 o'clock, A. M.

Mr. Speaker in the chair.

Roll called and all members found present except Kennedy and Wellman.

Journal of the previous day read and approved.

Mr. Speaker appointed Murray, Brewster, Everett, Potter, Weideman, O'Connor, Roach, Wood and Huntington, as a standing Committee on Appropriations.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, July 9, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body, that notice of introduction of bills was given as follows:

By McLean: A bill for An Act entitled, "An Act to change the name of the Montana State Reform School to the Montana State School for Boys and Girls, and to amend Section 3062 of the Penal Code of the State of Montana."

By Mahon: A bill for An Act entitled, "An Act providing for the Submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment relating to the election of County Superintendent of Schools."

By Brennan: A bill for An Act entitled, "An Act to Amend Sections 11, 13, 19, 20, 27, and 36, of Chapter XLIV, of the Laws of 1903, Relating to Special Road Tax and the Duties of Road Supervisors."

By Donlan: A bill for An Act entitled, "An Act for submitting to the qualified electors of the State of Montana, Amendments providing for direct Legislation by the Initiative and the Referendum."

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 9, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following Senate Bills were introduced and read first and second times:

S. B. No. 1, by Whipple: "A Bill relative to the semi annual payment of taxes."

S. B. No. 2, by Brennan: "A bill for an Act to Amend Sections 950, 951, 953 and 954 of the Civil Code of the State of Montana, Title VIII, Chapter III, Part IV, Division I, relating to the liability of railway companies for the killing or injuring of livestock."

S. B. No. 3, Introduced by Brennan: "A Bill for an Act to provide for the

formation of Cemetery Associations, to define their powers and duties and provide for their management and control."

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 9, 1905.

Mr. Speaker:

I am directed by the Senate, to inform your Honorable Body, that the following Standing Committees of the Senate have been selected:

No. 1—Agriculture and Manufactures—McDonnell, Albright, Yegen, Glidden, Sherlock.

No. 2—Mileage—Harper, Albright, Martien.

No. 3—Corporations other than Municipal—Whipple, White, McDonnell, Harper, Durham, Mahon, Brennan.

No. 4—Counties, Towns and Municipal Corporations—Donlan, McLean, Albright, Tooley, Johnson, Whipple, Ralston.

No. 5—Education—Durham, McLean, Tooley, Yegen, Sherlock.

No. 6—Engrossed Bills—Albright, Bourne, Johnson.

No. 7—Enrolled Bills—Bentall, Yegen, Martien.

No. 8—Federal Relations—Martien, Bourne, Miles, McCone, McDonnell.

No. 9—Finance and Claims—Waite, McCone, Whipple, Durham, Miles, Mahon, Kohrs.

No. 10—Judiciary—Maddox, White, Brennan, Miles, Yegen, Durham, Mahon.

No. 11—Military Affairs—Sherlock, Harper, Tewey.

No. 12—Mines and Mining—McCarthy, Tewey, White, Harper, McCone.

No. 13—Public Buildings—White, Albright, Tooley, Bourne, Glidden, Tewey, Martien.

No. 14—Public Lands—McLean, Donlan, Kohrs, Whipple, Johnson.

No. 15—Public Morals—Ralston, McDonnell, Martien.

No. 16—Printing—Tooley, McCone, Glidden.

No. 17—Roads, Highways and Bridges—Yegen, McCone, White, Bentall, Durham, Johnson, McCarthy.

No. 18—Libraries—Kohrs, Miles, Ralston.

No. 19—Irrigation and Water Rights—Mahon, McLean, White, Bentall, McDonnell, McCarthy, Sherlock.

No. 20—Fish and Game—Miles, Harper, Brennen, Glidden, McCarthy.

No. 21—Election and Privileges—Bourne, Brennen, Tooley, Johnson, Sherlock.

No. 22—Labor and Capital—Tewey, Kohrs, Yegen, Bentall, Ralston.

No. 23—Stock Growing and Grazing—McCone, Kohrs, McLean, Bentall, Tooley, Mahon, Ralston.

No. 24—Immigration—Glidden, Tewey, Harper, Albright, Bentall.

No. 25—Apportionment and Representation—Brennen, Miles, Waite, Whipple, McCarthy.

No. 26—Rules—Johnson, Maddox, Donlan.

Respectfully,

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

By Wiedeman: A Bill for An Act entitled An Act to Amend Section 1 of an Act entitled, "An Act to Authorize the Trustees of School Districts to Repay Moneys Borrowed and Used by such Trustees for Maintenance of Schools therein, and to Levy and Collect a Tax upon all the Taxable property in such Districts, or to issue and sell the Bonds of such Districts therefor, as such Trustees shall deem Advisable," approved February 19, 1901.

By Wiedeman: A Bill for An Act entitled, "An Act to Repeal Chapter CXXVI of the Laws of 1903, and to Provide for the Consolidation of the Clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization; providing for the appointment of a Clerk to said Boards and fixing his Compensation."

By Murray: A Bill authorizing Justice of the Peace to depute a Constable.

By Murray: A Bill to amend Section 1653 of the Code of Civil Procedure, relating to Contempts in Justice Courts.

By Coleman: A bill entitled An Act to Amend Section 4602, Chapter IV, Title II, Part IV, of the Political Code of the State of Montana, relating to the

number of deputies allowed County Auditors in Counties of the first class.

By Hilman: A bill for an act to amend Section 4063 of the Political Code of the State of Montana, relating to liquor dealers' license, as said section is now in force after amendment by an act of the Seventh Legislative Assembly of the State of Montana, approved March 4, 1901.

By Buck: A bill to divide the County of Missoula and to create the County of Paradise.

REPORTS OF STANDING COMMITTEES.

Helena, Montana, Jan. 10, 1905.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 5, beg leave to report back to the House, and recommend that it be passed.

ROSS, Chairman.

On motion of Wyman, the report was adopted.

H. B. No. 5 referred by the Speaker to the Committee on Printing.

"Mr. Speaker:

Your Committee on Rules, Joint Rules and Order of Business, begs leave to report as follows:—

That the House Rules of the Eighth Legislative Assembly be adopted with the following amendments:—

FIRST—Amend Rule I, by striking out the words "or Lobby" in first line of paragraph 2.

SECOND—Amend Rule No. 8 by adding thereto Standing Committee No. 34, Sanitary Affairs and No. 35, House Employes.

THIRD—Amend Rule No. 10 by changing the order of business to read as follows:—

1—Communications and Petitions.
2—Notices.
3—Reports of Select Committees.
4—Reports of Standing Committees.
5—Introduction of Bills.
6—Motions and Resolutions.
7—Reading of House Bills, Resolutions and Memorials.
8—Consideration of Messages from Governor and Senate.
9—Third reading of House Bills.
10—Third Reading of Senate Bills.
11—Consideration of General Orders.
12—Unfinished Business.

FOURTH—Amend Rule 13 by striking out all of paragraph I, after the words "not voting or answering."

In paragraph No. 3, line three, after the word "voting" change "are" to read "or."

In paragraph No. 4 last line, change the word "member" to read "members."

FIFTH—Amend Rule No. 17 by numbering it paragraph I, and adding another paragraph to be numbered, paragraph 2, which shall contain all of Rule No. 18.

SIXTH—Make new Rule to be known as Rule No. 18, and to read as follows:

Duties of Committee on House Employes.

It shall be the duty of the Committee on House Employes to classify the different Standing Committees with a view to having one clerk act for as many different Standing Committees as, in its judgment, shall seem fit.

They shall also examine applicants for positions as Committee Clerks, as to their efficiency.

SEVENTH—Amend Rule No. 51 by adding the following clause after the words "A Bill For;" when the title of any bill shall begin with the words "A Bill for an Act entitled An Act, etc.," the Committee on Enrollment shall omit from the enrolled bill the words, "A Bill for an Act entitled."

EIGHTH—Amend Rule No. 53 by adding the title of the Rule as follows:— "Transmission of Bills to Senate."

NINTH—Amend Rule No. 56 by striking out the words "rescinded or" in the first line.

TENTH—Amend Rule No. 66 by adding the title—Communications from the Executive Departments.

Your Committee further recommends that five (500) hundred copies of these Rules be ordered printed for the use of the Legislative Assembly, and, that said copies be indexed and printed in volumes about 4 in. by 6 in. in size.

EVERETT, Chairman."

Motion by Wilson, to amend the report by striking out Paragraph one of Rule 18. Motion lost on rising vote.

Motion by Lanstrum, to amend the report in reference to Rule I, by striking out Section 2. Motion carried by rising vote.

Motion by Everett, to adopt the report of the Committee on Rules, Joint Rules and Order of Business, as amended. Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and placed on file:

By Dempster: H. B. No. 26: A bill for an Act entitled, "An Act to Compel Street Railway Companies to Protect Certain of their Employes from the Inclemencies of the Weather.

By Johnston: H. B. No. 27: A Bill for an Act entitled, "An act to Provide for the submission to the qualified electors of the State of Montana of an amendment to Section 15 of Article XII of the Constitution of the State of Montana, relating to state and county boards of equalization."

By Johnston: H. B. No. 28: A bill for an Act entitled "An Act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure relating to exemptions and restricting the right to claim certain exemptions to married persons and to persons who are heads of families."

By Berry, H. B. No. 29: A bill for an Act entitled, "An Act appropriating Money for the Purchasing of Certain Books necessary to perfect and Complete the State Law Library."

By Starz, H. B. No. 30: An Act entitled an act to regulate the sale of poisonous substances and requiring the keeping of a register of such sales.

MOTIONS AND RESOLUTIONS.

Motion, by Leiper, that the Committee on Privileges and Elections be empowered to employ a clerk, when that Committee shall deem it necessary. Carried.

On motion of Meunier, at 11:50 A. M., the House took a recess until 12 o'clock Noon.

AFTERNOON SESSION.

House resumed at 12 Noon.

It being the second Tuesday after the meeting and organization of the Legislative Assembly, on motion of Hewitt, it was ordered that the House by viva voce vote of each member present, proceed to elect a Senator in the Congress of the United States for the term expiring March 4th, 1911, to succeed Honorable Paris Gibson; and thereupon the House proceeded to vote in accordance with the provisions of Section XV, Title II, Chapter I of the Revised Statutes of the United States, with the following result:

Those voting for Thomas H. Carter were Representatives Blake, Brewster, Brigham, Buck, Cone, English, Forsythe, Hilman, Mulroney, Mumbrue, Murray, Patton, Potter, Sewell, Stevens, Van Dyck, Wiedeman, Williams, Wilson and Hedges—20.

Those voting for Lee Mantle were Representatives Bennett, Carriher, Fairbanks, Hewitt, Linderman, Metcalf, Ross—7.

Those voting for William Lindsay were Representatives Burt, Christian Leiper, Sanders and Sykes—5.

Those voting for W. G. Conrad were Representatives Berry, Canoll, Collier, Hayes, Huntington, Johnston, Macdonald, O'Connor, Sanden, Starz and Wood—11.

Those voting for Walter Cooper were Representatives Blankenship and Roll—2.

Those voting for B. F. White were Representatives Decker and Selway—2.

Those voting for John MacGinniss were Representatives Bembrick, Coleman, Dempster, Geyman, Lannin, Meunier, Murphy, O'Brien, Reel, Schoonover, Shannon, Walker and Wyman—13.

Those voting for H. L. Frank were Representatives Harrington, Roach, Sullivan of Jefferson, and Teskey—4.

The Representative voting for T. C. Power was Everett—1.

The Representative voting for Honorable George R. Milburn was MacGinnis—1.

The Representative voting for W. F. Sanders was Lanstrum—1.

The Representative voting for E. W. King was Sales—1.

The Representative voting for Honorable Joseph K. Toole was Quigley—1.

The Representative voting for J. I. Phelps was Sullivan of Lewis and Clarke—1.

Total vote 70. Absent, Kennedy and Wellman—2.

On motion of Lanstrum, at 12:25 P. M. the House adjourned until 11:45 A. M. tomorrow, the 11th Instant.

.....

Speaker.

.....

Chief Clerk.

TENTH DAY

Wednesday, January 11, 1905.

House met pursuant to adjournment at 11:45 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, and all members found present except Fairbanks and Wellman.

Journal of the previous day was read and approved.

The Honorable Body of the Senate of the State of Montana approached the bar of the House and was admitted.

JOINT SESSION.

Pursuant to law, at 12 o'clock Noon, the Senate and the House of Representatives went into Joint Session.

Mr. President, of the Senate in the Chair.

Secretary of Senate called the roll of the Senate, and all members found to be present.

The Chief Clerk of the House called the roll of the House, and all members found to be present except Fairbanks and Wellman.

The Secretary of the Senate read that part of the minutes of the Senate relating to the election of a United States' Senator.

The Chief Clerk of the House read that part of yesterday's minutes of the House, relating to the election of a United States' Senator.

The Joint Assembly then proceeded, by viva voca vote, to the election of a United States' Senator, for the term ending March 4th, 1911.

The Secretary of the Senate called the roll of the Senate with the following result:—

Those voting for the Honorable Lee Mantle were Senators Albright, Harper, Kohrs and White—4.

For the Honorable Thomas H. Carter, were Senators Bentall, Bourne, Brennan, Donlan, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite and Yegen—12.

For the Honorable William G. Conrad were Senators Durham, Glidden, Johnson, Mahon and Ralston—5.

For the Honorable H. L. Frank were Senators Martien, Tewey and Whipple—3.

For the Honorable Walter Cooper was Senator McCarthy—1.

For the Honorable Joseph K. Toole was Senator Sherlock—1.

The Chief Clerk of the House called the roll of the House with the following result:—

Those voting for the Honorable Thomas Carter were Representatives Blake, Brewster, Buck, Burt, Christian, Cone, English, Forsythe, Hilman, Leiper, Metcalf,

Mulroney, Mumbrue, Murray, Patten, Potter, Sales, Sewell, Stevens, Sykes, Van Dyck, Wiedeman, Williams, Wilson and Hedges—25.

Those voting for the Honorable Lee Mantle were Representatives Bennett, Brigham, Carriher, Decker, Hewitt, Lanstrum, Linderman, Ross, Selway—9.

For Honorable William G. Conrad, Canoll, Collier, Hayes, Huntington, Johnston, MacDonald, O'Connor, Quigley, Reel, Sanden, Schoonover and Wood—12.

For Honorable H. L. Frank—Bembrick, Harrington, Roach, Starz and Sullivan of Lewis and Clarke—5.

For John MacGinnis, Meunier, O'Brien, Sullivan of Jefferson and Teskey—4.

For Walter Cooper, Blankenship and Roll—2.

For the Honorable Joseph K. Toole, Coleman, Dempster, Geyman, Kennedy, Lannin, Murphy, Shannon, Walker and Wyman—9.

For T. C. Power, Everett—1.

For Justice George R. Milburn—John MacGinnis—1.

For Honorable William Lindsay—Sanders—1.

Absent, Wellman—1.

Mr. President of the Senate read the following:

"House of Representatives, Helena, Montana, Jan. 11, 1905.

Mr. Speaker:

We, the undersigned, have agreed to pair upon the vote of United States Senator for three days.

CHAS E. FAIRBANKS,
W. W. BERRY."

The President announced the following as the vote of the Joint Assembly:

For Carter	37
For Mantle	13
For Conrad	17
For Frank	8
For MacGinnis	4
For Cooper	3
For Toole	10
For Power	1
For Milburn	1
For Lindsay	1
Total Vote Cast	95

The President announced no election, and on motion of Senator Maddox, at 12:24 P. M., the Joint Assembly dissolved, and the Senators retired from the Hall of the House.

HOUSE RESUMED.

The Speaker announced the following as a Standing Committee on Employees: Sanders, Everett, Blake, Geyman and Johnston.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 10, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that Notice of Introduction of Bills was given as follows:

By Donlan: A bill for An Act entitled An Act providing for an annotated compilation of the Constitution and Laws of the State of Montana.

By Martien: A bill for An Act providing for the Assessment of Express Companies.

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 10, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following Senate Bills were introduced and read first and second time:

By Brennen: Senate Bill No. 4: A bill for An Act to Amend Sections 11, 13, 19, 20, 27, and 36, of Chapter 44, of the Laws of 1903, relating to Special Road Tax, and the Duties of Road Supervisor.

By Brennen, Senate Bill No. 5: A Bill for An Act entitled An Act to Amend

Sections 2776, of the Code of Civil Procedure of the State of Montana, relating to Compensation of Executors and Administrators.

By Mahon, Senate Bill No. 6: A Bill for An Act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, An Amendment to Section 10, Article XI, of the Constitution of the State of Montana, relating to the election of County Superintendent of Schools.

By Donlan, Senate Bill No. 7: A Bill for An Act for the submitting to the qualified electors of the State of Montana, Amendments to Article V, of the Constitution of the State of Montana, relating to the Legislative Deparment and Providing for Direct Legislation.

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

By Dempster: A Bill for an "An Act entitled 'An act to prohibit certain persons from conducting or maintaining Law Offices, to prevent certain persons from advertising or holding themselves out as Attorneys at Law, to prevent certain persons from acting as Attorneys at Law for Compensation and to provide punishment for the violation of this act' "

By Sanden: A Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for election of United States Senators by direct vote of the people.

By Bennett: A Bill entitled 'An Act appropriating money for the erecting and equipping of additional buildings for the State Orphan's Home at Twin Bridges, Montana."

By Walker: A bill entitled "An Act to amend Section 397 of the Code of Civil Procedure, relating to persons entitled to practice law."

By Van Dyck: A bill for an Act entitled "An Act giving to lessors of real estate a lien upon the crops grown upon the demised premises for the rent of said premises."

By Johnston: A bill for an act entitled, "An Act to provide for apportionment of Membership and Representation of the several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof.

REPORTS OF STANDING COMMITTEES.

"Helena, Montana, Jan. 9, 1905.

Mr. Speaker:

Your Committee on Mileage whose duty it is to ascertain the number of miles traveled by members of the House of Representatives to and returning from the Capitol together with the several amounts due said members, beg leave to make the following report:

Bembrick, B. F.,	To Capitol	and	return	112	Miles		$ 11.20
Bennett, A. J.	"	"	"	396	"		39.60
Berry, W. W.	"	"	"	2	"		.20
Blake, H. N.	"	"	"	200	"		20.00
Blankenship, E. V.	"	"	"	200	"		20.00
Brewster, G. W.	"	"	"	860	"		86.00
Brigham, O. P.	"	"	"	438	"		43.80
Buck, Amos	"	"	"	314	"		31.40
Burt, C. W.	"	"	"	848	"		84.80
Canoll, H. N.	"	"	"	2	"		.20
Carriher, C. E.	"	"	"	200	"		20.00
Christian, E. H.	"	"	"	250	"		25.00
Coleman, J. A.	"	"	"	148	"		14.80
Collier, P. O.	"	"	"	986	"		98.60
Cone, J. F.	"	"	"	344	"		34.40
Decker, A.	"	"	"	336	"		33.60
Dempster, C. W.	"	"	"	148	"		14.80
English, Gus B.	"	"	"	200	"		20.00
Everett, T. M.	"	"	"	526	"		52.60
Fairbanks, C. E.	"	"	"	400	"		40.00
Forsythe, B. O.	"	"	"	376	"		37.60
Geyman, C. L.	"	"	"	148	"		14.80

Harrington, Daniel	"	"	"	"	200	"	 20.00
Hayes, John	"	"	"	"	196	"	 19.60
Hedges, Wyllys A.	"	"	"	"	340	"	 34.00
Hewitt, M. L.	"	"	"	"	119	"	 11.90
Hilman, J. R.	"	"	"	"	968	"	 96.80
Huntington, E. C.	"	"	"	"	533	"	 53.30
Johnston, W. M.	"	"	"	"	476	"	 47.60
Kennedy, J. M.	"	"	"	"	148	"	 14.80
Lannin, Charles	"	"	"	"	148	"	 14.80
Lanstrum, O. M.	"	"	"	"	44	"	 4.40
Leiper,, F. P.	"	"	"	"	928	"	 92.80
Linderman, F. B.	"	"	"	"	356	"	 35.60
MacGinnis, John	"	"	"	"	148	"	 14.80
Macdonald, A. D.	"	"	"	"	986	"	 98.60
Metcalf, George	"	"	"	"	204	"	 20.40
Meunier, Joseph	"	"	"	"	148	"	 14.80
Mulroney, E. C.	"	"	"	"	250	"	 25.00
Mumbrue, D. P.	"	"	"	"	276	"	 27.60
Murphy, J. S.	"	"	"	"	148	"	 14.80
Murray, C. L.	"	"	"	"	198	"	 19.80
O'Brien, Sylvester	"	"	"	"	148	"	 14.80
O'Connor, J. E.	"	"	"	"	84	"	 8.40
Patten, T. M.	"	"	"	"	750	"	 75.00
Potter, S. E.	"	"	"	"	674	"	 67.40
Quigley, J. R., Jr.	"	"	"	"	100	"	 10.00
Reel, W. A.	"	"	"	"	228	"	 22.80
Roach, Dennis	"	"	"	"	200	"	 20.00
Roll, J. F.	"	"	"	"	228	"	 22.80
Ross, S. M.	"	"	"	"	250	"	 25.00
Sales, Walter	"	"	"	"	170	"	 17.00
Sanden, F. S.	"	"	"	"	2	"	20
Sanders, James	"	"	"	"	198	"	 19.80
Schoonover, J. S.	"	"	"	"	204	"	 20.40
Selway, E. O.	"	"	"	"	280	"	 28.00
Sewell, Jonathan	"	"	"	"	200	"	 20.00
Shannon, Joseph	"	"	"	"	148	"	 14.80
Starz, Emil	"	"	"	"	2	"	20
Stevens, M. N.	"	"	"	"	330	"	 33.00
Sullivan, D. J.	"	"	"	"	86	"	 8.60
Sullivan, T. D.	"	"	"	"	44	"	 4.40
Sykes, H. N.	"	"	"	"	1010	"	 101.00
Teskey, Angus	"	"	"	"	52	"	 5.20
Van Dyck, L. N.	"	"	"	"	352	"	 35.20
Walker, T. J.	"	"	"	"	148	"	 14.80
Wellman, M. A.	"	"	"	"	162	"	 16.20
Wiedeman, G. D.	"	"	"	"	420	"	 42.00
Williams, W. H.	"	"	"	"	264	"	 26.40
Wilson, C. A.	"	"	"	"	196	"	 19.60
Wood, George R.	"	"	"	"	196	"	 19.60
Wyman, John	"	"	"	"	148	"	 14.80

Respectfully submitted,

SAMUEL L. POTTER, Chairman."

On motion of Cone, the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wiedeman, H. B. No. 31: A bill for an act entitled "An act to repeal Chapter CXXVI of the Laws of 1903, and to provide for the consolidation of the Clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners, and State Board of Equalization; providing for the appointment of a Clerk to said Boards, and fixing his compensation."

By Wiedeman, H. B. No. 32: A bill for an act entitled "An act to authorize the Trustees of School Districts to repay moneys borrowed and used by such

Trustees for maintenance of Schools therein, and to levy and collect a tax upon all the taxable property in such districts, or to issue and sell the Bonds of such Districts therefor, as such Trustees shall deem advisable." Approved February 19, 1901.

By Murray, H. B. No. 33: A bill for an act entitled "An act authorizing Justice of the Peace to depute a constable."

By Murray, H. B. No. 34: A bill for an act to amend Section 1653 of the Code of Civil Procedure relating to contempts in Justice Courts."

By Murray, H. B. No. 35: A bill for an act entitled "An Act to authorize and empower cities and Towns to establish, maintain, and regulate Public Bathing Places."

READING OF HOUSE BILLS.

On motion of Kennedy, that bills be read first time by title only, it was so ordered by the Speaker.

Bills were read first and second time and referred to Committees as follows:

H. B. No. 26, referred to Committee on Railroads and Transportation.
H. B. No. 27, referred to Committee on Judiciary.
H. B. No. 28, referred to Committee on Judiciary.
H. B. No. 29, referred to Committee on Appropriations.
H. B. No. 30, referred to Committee on Sanitary Affairs.
H. B. No. 31, referred to Committee on State Boards and Officers.
H. B. No. 32, referred to Committee on Education.
H. B. No. 33, referred to Committee on Judiciary.
H. B. No. 34, referred to Committee on Judiciary.
H. B. No. 35, referred to Committee on Sanitary Affairs.

On motion of Johnston, at one o'clock, P. M., the House adjourned until 10:30 A. M. to-morrow, the 12th Instant.

.....
Speaker.

.....
Chief Clerk.

ELEVENTH DAY

Thursday, January 12, 1905.

MORNING SESSION.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called and all members found present except Buck, Fairbanks and Wellman.

Buck was excused by the chair.

Journal of the last session was read and approved.

The following Standing Committees were appointed by the Speaker:

1—Ways and Means—Bennett, Murray, Hewitt, Leiper, Sanders, O'Connor, MacGinnis, Macdonald and Kennedy.

3—Judiciary—Mulroney, Leiper, Cone, Brigham, Sewell, Berry, Walker, Johnston and Coleman.

5—Agriculture and Horticulture—Sales, Buck, Forsythe, Skyes, Decker, Vandyck, Roll, Huntington and Schoonover.

6—Mines and Mining—Hewitt, Metcalf, Williams, English, Linderman, MacGinnis, Reel, Canoll and Shannon.

7—Townships and Counties—Wiedeman, Sykes, Lanstrum, Brewster, Williams, Brigham, Collier, Wyman and D. J. Sullivan.

8—Education—Blake, Leiper, Vandyck, Sales, Sanders, Blakenship, Wood, Dempster and Johnston.

9—Military Affairs—Hilman, Christian, Carriher, Mumbrue, Roll, D. J. Sullivan and Geyman.

10—Federal Relations—Fairbanks, Vandyck, Decker, Christian, O'Brien, Canoll, and Murphy.

11—Internal Improvements—Selway, Hewitt, Ross, Forsythe, Harrington, Sanden and Kennedy.

12—Improvements and Manufacturing—Patten, Sewell, Ross, Burt, Lannin, Teskey and MacGinnis.

13—State Lands—Everett, Williams, Sales, Stevens, Wellman, T. D. Sullivan, and Wood.

14—Irrigation and Water Rights—Mumbrue, Sales, Patten, Forsythe, Carriher, Blankenship, O'Connor, Berry and Johnston.

15—State Boards and Officers—Sewell,, Sykes, Buck, Fairbanks, Sanden, Collier, and Meunier.

17—Appropriations and Representations—Mulroney, Fairbanks, Selway, Stevens, Johnston, Bembrick and Teskey.

18—Railroads and Transportation—Lanstrum, Wiedeman, Potter, Sanders, English, Mulroney, O'Connor, Berry, Walker, Macdonald and Kennedy.

19—State Institutions, Public Buildings and Grounds—English, Sales, Wilson, Hilman, Mumbrue, Coleman, Berry, Starz and Walker.

20—Fish and Game—Buck, Bennett, Vandyck, Patten, Wellman, O'Brien and Quigley.

21—Affairs of Cities—Christian, Blake, Murray, Mumbrue, Linderman, O'Brien, Roach, Dempster and Canoll.

22—Immigration—Selway, Hewitt, Cone, Dempster and Hayes.

28—Libraries—Brigham, Buck, Hilman, Mumbrue, Meunier, Quigley and Wyman.

29—Insurance—Vandyck, Cone, Bennett, Murray, Murphy, Blankenship and Coleman.

30—Highways—Burt, Stevens, Hilman, Metcalf, Decker, Quigley, Harrington, Huntington and Bembrick.

31—Fairs and Expositions—Decker, English, Fairbanks, Brewster, Starz, MacGinnis and Collier.

32—Live Stock and Public Ranges—Brewster, Burt, Stevens, Forsythe, Sykes, Potter, Patten, Leiper, Selway, Everett and Schoonover.

33—Corporations other than Municipal—Metcalf, Bennett, Wilson, Christian, Lannin, D. J. Sullivan and Schoonover.

34—Sanitary Affairs—Starz, Lanstrum, Bennett, Patten, and MacDonald.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 11, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following bill was introduced:

Senate Bill No. 8, by Miles, A bill for an Act to amend Section 4024 of the Political Code of the State of Montana, relating to the protest of taxes and providing for an action at law to recover taxes paid under protest, by adding thereto a Section to be known as Section 4024 A. Relating to Assessment and Collection of Taxes.

Also that the following Notice of Introduction of Bills was given:

By Waite: A bill for an act relating to the assessment of Mortgages.

Respectfully,

C. E. WIGHT, Secretary."

NOTICE OF BILLS.

By Hewitt: A bill for an act appropriating money for the completing, furnishing, and equipping of the Building for Feeble Minded at the Montana School for the deaf and blind, at Boulder, Montana, and for the erection and equipment of an additional building.

By Meunier: A bill for an Act Fixing a Maximum Rate for Transportation of Passengers by any Railroad in Montana.

By Sales: A Bill for An Act entitled, "An Act providing for the Erecting and Equipping of an Agricultural Science Building for the Montana Agricultural College and Experiment Station at Bozeman, Montana, and making an appropriation therefor."

By Wiedeman: A bill for an act entitled, "An act to amend Section 2000 of the Political Code of the State of Montana, relative to the School Library fund

and permitting the use of such fund for the payment of current expenses of the Schools."

By Berry: A bill for an act entitled, An act to punish disorderly conduct on trains and to empower train conductors to make arrests in certain cases.

REPORTS OF STANDING COMMITTEES.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

Your Committee on Printing begs leave to report that House Bills Nos. 5, 13, and 14, have been returned correctly printed."

House Bills Nos. 5, 13 and 14 were placed on general orders.

"Helena, Montana, Jan. 11, 1905.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 13, A Bill for an Act to appropriate Moneys for the payment of Mileage and Per Diem for the members of the Ninth Legislative Assembly of the State of Montana; also for the payment of Per Diem of the Officers and Attaches thereof, herewith report the same back with the recommendation that it be passed.

C. L. MURRAY, Chairman."

On motion of Mumbrue, the report was adopted and referred to Printing Committee.

"Helena, Montana, Jan. 11, 1905.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 14, a Bill for an Act making appropriation for the incidental expenses of the Ninth Legislative Assembly of the State of Montana, report the same back with the recommendation that it be passed.

C. L. MURRAY, Chairman."

Report adopted and referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Vandyck, H. B. No. 36: A Bill for an act entitled, "An Act giving to lessors of real estate a lien upon the crops grown upon the demises premises for the rent of said premises."

By Bennett, H. B. No. 37: A Bill for an Act entitled "An act appropriating money for the Erecting and equipping of additional buildings for the State Orphans Home at Twin Bridges, Montana."

By Johnston, H. B. No. 38: A Bill for an Act entitled "An Act to provide for Apportionment of Membership and Representation of the Several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to fix the Number of Members Thereof."

By Sanden, Joint Concurrent Resolution No. 1: Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

MOTIONS AND RESOLUTIONS.

On motion, by Leiper, the Committee on Judiciary was empowered to employ a clerk.

On motion by Bennett, the Committee on Ways and Means was empowered to employ a clerk.

On motion by Murray, the Committee on Appropriations was empowered to employ a clerk.

On motion of Kennedy, the Committee on Railroads and Transportation was empowered to employ a clerk.

On motion by Vandyck, the Committee on Insurance was empowered to employ a clerk.

On motion by Kennedy, that H. B. Nos. 5, 13 and 14 be made a special order for one o'clock this afternoon, it was so ordered.

READING OF HOUSE BILLS AND RESOLUTIONS.

On motion by Johnston, that all bills except appropriation bills be read first and second time by title only, it was so ordered.

The following bills were taken from the file:

H. B. No. 36, read first and second time and referred to Committee on Judiciary.

H. B. No. 37 read first and second time and referred to Committee on Appropriations.

Joint Concurrent Resolution No. 1 read first and second time and referred to Committee on Judiciary.

H. B. No. 38, read first and second time and referred to Committee on Judiciary.

On motion by Johnston, at 11:20 A. M., the House took a recess until 12 o'clock, Noon.

AFTERNOON SESSION.

House resumed at 12 o'clock, Noon.

JOINT SESSION.

The Honorable Senate appeared at the bar of the House and was introduced and received.

Mr. President of the Senate in the Chair.

The Secretary of the Senate called the roll of the Senate and all members found present.

The Chief Clerk of the House called the roll of the House and all members found present except Fairbanks, Reel and Wellman.

The minutes of yesterday's Joint Session were read and approved.

The Joint Assembly then proceeded to the election of a successor, in the Senate of the United States, to Honorable Paris Gibson.

The Secretary of the Senate called the roll of the Senate with the following Result:

Those voting for the Honorable Thomas H. Carter were Senators Bentall, Bourne, Brennen, Donlan, Harper, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite and Yegen—13.

For William G. Conrad—Durham, Glidden, Johnson, Mahon, Martien and Ralston—6.

For H. L. Frank—McCarthy, Sherlock and Whipple—3.

For Joseph Dixon—Albright and White—2.

For B. F. White—Kohrs—1.

For the Honorable J. K. Toole—Tewey—1.

The Chief Clerk of the House called the roll of the House with the following result:

Those voting for the Honorable Thomas Carter were Representatives Blake, Brewster, Buck, Burt, Christian, Cone, English, Forsythe, Hewett, Hilman, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Sales, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Hedges—26.

For Lee Mantle—Brigham, Carriher, Everett and Ross—4.

For Conrad—Bembrick, Blankenship, Canoll, Collier, Hayes, Huntington, Johnston, Macdonald, O'Connor, Roll, Sanden, Schoonover, Starz and Wood—14.

For H. L. Frank—Harrington, Quigley, Roach, Sullivan of Lewis and Clarke—4.

For Dixon—Bennett—1.

For Justice Milburn—Coleman, Dempster, Geyman, Kennedy, Lannin, Meuiner, Murphy, MacGinnis, O'Brien, Shannon, Sullivan of Jefferson, Teskey, Walker and Wyman—14.

For White—Decker, Lanstrum, Linderman and Selway—4.

For S. R. Burford—Reel.—1.

For Lindsay—Sanders—1.

The President announced the result as follows:

Whole number of votes cast—95.

Necessary to a choice—48.

For Mantle	4
For Carter	39
For Conrad	20
For Frank	7
For Dixon	3
For Milburn	14
For White	5

For Buford	1
For Lindsay	1
For Toole	1
Absent	1
Paired	2
	98

The President announced no election; and, on motion of Senator Durham, at 12:32 P. M., the Joint Session dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

On motion of Lannin, the House resolved itself into a Committee of the Whole, for the purpose of considering House Bills Nos. 5, 13 and 14.

Bennett in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett, from the Committee of the Whole, reported as follows:

"Mr. Speaker: Having had under consideration H. B. Nos. 5, 13 and 14, the Committee now reports back the said bills with the recommendation that the bills do pass."

Report adopted.

House Bills Nos. 5, 13 and 14 were ordered engrossed.

Wilson, from the Committee on Engrossment, reported House Bills Nos. 5, 13 and 14 as correctly engrossed.

Report adopted.

On motion of Dempster, that House Bills Nos. 5, 13 and 14 be read the third time, it was so ordered.

Kennedy moved that the rules be suspended and that House Bills Nos. 5, 13 and 14 be considered correctly engrossed, and be placed upon their final passage. Carried by unanimous consent.

THIRD READING OF HOUSE BILLS.

H. B. No. 5 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Hedges—68.

Nays—None.

Absent four, Fairbanks, Leiper, Reel and Wellman.

H. B. No. 13 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Nays—None.

Absent—Fairbanks, Leiper, Reel and Wellman—4.

H. B. No. 14 read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover,

Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Nays—None.

Absent—Fairbanks, Leiper, Reel and Wellman—4.

Lanstrum moved that when the House adjourn, it adjourn until 11:30 tomorrow. Carried.

Bennett of Ways and Means Committee reported that the Committee of Ways and Means had selected Miss M. G. Haggerty as clerk of said committee.

By Motion of Berry, at 1:20 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

TWELFTH DAY

Friday, January 13, 1905.

House met pursuant to adjournment at 11:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called, and all members present except Fairbanks and Wellman. Quorum present.

Minutes of last session read and approved.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following message was received from His Excellency, the Governor:

"January 12th, 1905.

To the Speaker of the House of Representatives:

Pursuant to the Constitution, I herewith transmit to the House of Representatives estimates of the amount of money required to be raised by taxation for all purposes of the State for the fiscal years 1905 and 1906, and I also furnish for your information an estimate of the probable amount of money which can be raised by taxation for the fiscal years 1905 and 1906.

In making the estimates of the amount of money required to be raised by taxation for all purposes of the State, it will be noticed that the salaries of number of the clerks have been reduced to $100 per month; that the usual appropriation of $1.000 for rewards has been omitted; that the salaries of the three Supreme Court Commissioners and their Stenographer have been estimated up to April 1st, 1905, it being understood that the work of the Commission will be practically finished by that time.

Your attention is also called to the fact that in making estimates for the maintenance of the Agricultural College, Reform School, Deaf and Blind School, Normal School College, State University, School of Mines and Orphan's Home, I have not followed the suggestion of the State Board of Education which materially increased the maintenance account for these several institutions for 1905 and 1906, but have estimated them for 1905 upon the same basis for which appropriations were made by the Eighth Legislative Assembly.

I have also omitted an estimate for printing Montana reports for the fiscal year 1905, but instead, have doubled the appropriation usually made, making it available out of the income for 1906. I have, however, followed the recommendation of the State Board of Education in making my estimates for the several State Institutions referred to for the fiscal year 1906.

I have felt obliged to make the reductions above referred to for the fiscal year 1905 for the obvious reason that the probable income for 1905 will be insufficient to pay any greater amount than indicated in the estimate. It will be observed that even then there will be a deficit for 1905 of $23,382, but, allowing some margin for increase of revenue of 1905 over 1904, it is possible that this deficit may be avoided.

These estimates do not include outstanding warrants amounting to $68,000.00 which should have been paid out of the revenues of 1904.

J. K. TOOLE, Governor."

Referred to Committee on Ways and Means.

"Helena, Montana, Jan. 12th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read the first and second time:

Senate Bill No. 9, By Donlan. A Bill for an Act Entitled "An Act providing for an annotated Compilation of the Constitution and Laws of the State of Montana."

Senate Bill No. 10, By Waite. A Bill for an Act Entitled "An Act to amend subdivision 5 of Section 3701, of the Political Code of the State of Montana, and to repeal Sections 3786 and 3783, of the Political Code of the State of Montana, Relating to the Assessment of Mortgages."

Respectfully,

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

By Murray: A Bill entitled An Act to repeal An Act entitled "An Act requiring foreign surety companies engaged in business in the State, to deposit securities with the State Treasurer, and to Amend Sections 1 and 6 of the Act of the Legislative Assembly, Approved February 24, 1899" passed by the Seventh Legislative Assembly and approved March 11, 1903.

By O'Connor: A Bill for An Act giving the owners of certain animals the right to sue persons marking, branding, killing or selling the same.

By Williams: A Bill for an Act entitled "An Act to amend section 566 of the Political Code of the State of Montana, relating to the inspection of Steam Boilers and Engines."

By Everett: A Bill for An Act entitled "An Act to Amend Section 541 of the Penal Code of the State of Montana, relating to the sale of intoxicating liquors."

By Wilson: A Bill to regulate the Weighing of Coal of Employes engaged in Mining Coal, at Bushel or Ton Rates.

By Wilson: A Bill relating to the appropriating of money for the payment of the claim of R. W. Berry for cash advanced by him.

JOINT SESSION.

At 12 o'clock, noon, the Honorable Senate appeared before the bar of the House and were duly received.

Mr. President, of the Senate, in the chair.

The Secretary of the Senate caled the roll of the Senate. All present.

The Chief Clerk of the House called the roll of the House, and all members found present except Fairbanks and Wellman.

Minutes of yesterday's Joint Session read and approved.

Pursuant to law, by viva voca vote, the members of the Joint Assembly then proceeded to the election of a United States Senator, to succeed Honorable Paris Gibson.

The Secretary of the Senate called the roll of the Senate with the following result:

Those voting for Honorable Thomas Carter were Senators Bentall, Bourne, Brennen, Donlan, Harper, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite and Yegen—13.

For H. L. Frank—Sherlock and Whipple—2.

For William G. Conrad—Durham, Glidden and Johnson—3.

For Dixon—Albright and White—2.

For B. F. White—Kohrs—1.

For T. J. Walsh—Mahon, Martien, McCarthy and Ralston—4.

For Justice Holloway—Tewey—1.

The Chief Clerk of the House called the roll of the House with the following result:

Those voting for Carter were Representatives Blake, Brewster, Buck, Burt, Christian, Cone, English, Everett, Forsythe, Hewett, Hilman, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Sales, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—27.

For Mantle—Brigham, Carriher, Ross—3.

For Conrad—Collier, Hayes, Huntington, Johnston, Macdonald and Wood—6.

For Frank—Blankenship, Harrington, Reel, Roach, Roll, Schoonover, Sullivan of Jefferson and Teskey—8.

For T. J. Walsh—Bembrick, Canoll, O'Connor, Sanden, Starz and Sullivan of Lewis and Clarke—6.

For Dixon—Bennett, Linderman and Sanders—3.

For Justice Holloway—Coleman, Dempster, Geyman, Kennedy, Lannin, Murphy, MacGinnis, O'Brien, Shannon, Walker and Wyman—11.

For White—Decker, Lanstrum and Selway—3.

For MacGinnis—Meunier—1.

For Martin McGinnis—Quigley—1.

Mr. President announced the vote as follows:

Total vote—95.

Necessary for choice—48.

For Carter	40
For Mantle	3
For Conrad	9
For Frank	10
For Walsh	10
For Dixon	5
For Holloway	12
For White	4
For John MacGinnis	1
For M. McGinnis	1

Mr. President announced no election.

Kennedy moved that the Joint Assembly now proceed to a second ballot for United States Senator.

Senator White moved, as an amendment, that the Joint Assembly now dissolve and the Senate retire from the Hall of the House.

Amendment lost. On division of the House, the original motion carried.

The assembly proceeded, in accordance to law, to the second viva voca ballot for United States Senator.

The Secretary of the Senate called the roll of the Senate with the following result:

For Carter—Bentall, Bourne, Brennen, Donlan, Harper, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite and Yegen—13.

For Frank—McCarthy, Sherlock and Whipple—3.

For Conrad—Durham, Glidden, Johnson, Mahon and Martien—5.

For Dixon—Albright and White—2.

For White—Kohrs—1.

For Walsh—Ralston—1.

For Charles Dempster—Tewey—1.

The Chief Clerk of the House called the roll of the House with the following result:

For Carter—Blake, Brewster, Buck, Burt, Christian, Cone, English, Everett, Forsythe, Hewett, Hilman, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Patten. Potter, Sales, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—27.

For Conrad—Collier, Hayes, Huntington, Johnston, Macdonald, O'Connor and Wood—7.

For Mantle—Brigham, Carriher and Ross—3.

For Dixon—Bennett, Linderman and Sanders—3.

For White—Decker, Lanstrum and Selway—3.

For Frank—Blankenship, Harrington, Reel, Roach, Roll, Schoonover, Starz—7.

For J. J. McHatton—Coleman, Dempster, Kennedy, Lannin, Meunier, Murphy, MacGinnis, O'Brien, Shannon, Sullivan of Jefferson, Teskey, Walker and Wyman—13.

For Holloway—Geyman—1.

For Martin McGinnis—Quigley—1.

For Walsh—Bembrick, Canoll, Sanden, and Sullivan of Lewis and Clarke—4.

Mr. President announced the vote as follows:

Total vote—95.
Necessary for choice—48.

For Carter	40
For Conrad	12
For Mantle	3
For Dixon	5
For White	4
For Frank	10
For McHatton	13
For Holloway	1
For Martin McGinnis	1
For Walsh	5
For Dempster	1

Absent, 1. Paired, 2.

Mr. President announced no election; and on motion by Senator Durham, at 12:55 P. M., the Joint Assembly dissolved, and the Senators retired from the Hall of the House.

HOUSE RESUMED.

REPORTS OF STANDING COMMITTEES.

Sanders, of the Committee on House Employees, reported as follows:

"Mr. Speaker: We, your Committee on House Employees, beg leave to recommend the following:

1st. That a permanent clerk be employed by the Ways and Means Committee, Appropriations Committee, Judiciary Committee, and Railroads and Transportation Committee.

2nd. That the following named Committees be given permission to employ one clerk: State Boards and Officers, Fairs and Expositions, Sanitary Affairs, Insurance, Mileage and Per Diem.

3rd. That the following named Commitees be allowed one clerk: Apportionment and Representation, Libraries, Immigration, Rules and Joint Rules and State Lands.

4th. That the following Committees be allowed one clerk: Agriculture and Horticulture, Irrigation and Water Rights, Fish and Game, Live Stock and Public Ranges and Military Affairs.

5th. That the following Committees be allowed one clerk: Mines and Mining, Labor and Internal Improvements.

6th. That the following Committees be allowed one clerk: Improvements and Manufacturing, Education, Highways, State Institutions and Affairs of Cities.

7th. That the following Committees be allowed one clerk: House Employes, Corporations other than Municipal, Townships and Counties and Federal Relations.

We also recommend that the Chairmen of the Committees, so grouped, select the clerk for the Committees, and that they report such selection to the Committee on House Employees, before said clerk is employed."

Lannin moved to strike out Section 7 of the report. Motion lost on division.

Report adopted.

On motion of Mumbrue the House returned to the second Order of Business, "Notices."

By Mumbrue: A bill providing that the Compulsory Education Law of 1903 may be so changed as to permit Superintendents of Instruction to issue permits to children under fourteen (14) years of age in certain cases.

By Brigham: A bill for an act entitled An act to amend Sections 471 and 473 of the Penal Code of the State of Montana, relating to abandonment and neglect of children.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Hewett: H. B. No. 39. A Bill for an act entitled "An act appropriating money for the completing, furnishing, and equipping of the Building for the Deaf and Blind, at Boulder, Montana, and for the Erection and Equipment of an additional building, which shall contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind, at Boulder, Montana."

By Sales: H. B. No. 40. A Bill for an Act entitled, "An act providing for the Erection and Equipping of an Agricultural Science Building for the Montana Agricultural College and Experiment Station at Bozeman, Montana, and making an appropriation therefor."

By Vandyck: H. B. No. 41. A Bill for an Act entitled, "An Act to amend Section 3070 of the Political Code of the State of Montana, as amended by Sec. tion 2, of Chapter XCIV, of the Laws of 1903, relating to Bounty on Wild Animals."

By Wiedeman: H. B. No. 42. A Bill for an Act entitled "An act to amend Section 2000 of the Political Code of the State of Montana, relative to the School Library Fund, and permitting the use of such fund for the payment of Current Expenses of the Schools."

By Canoll: H. B. No. 43. A Bill for an act creating a Railroad Commission, and Defining its Duties and Powers.

MOTIONS AND RESOLUTIONS.

On motion of Sanders that, when the House adjourn, it adjourn until 10 A. M. tomorrow, the 14th Instant, it was so ordered.

On motion of Cone, it was ordered that the Committee on Enrollment be empowered to employ three clerks; said clerks to be placed as fast as the work before said Committee shall justify their appointment.

House Bill No. 18 was re-referred to Committee on State Boards and Officers.

READING OF HOUSE BILLS.

Sanden moved that all bills, except Appropriation Bills, be read by title only. Carried.

The following bills were taken from the file:

H. B. No. 39, read first and second time, and referred to Committee on Appropriations.

H. B. No. 40, read first and second time, and referred to Committee on Appropriations.

H. B. No. 41, read first and second time, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 42, read first and second time, and referred to Committee on Judiciary.

H. B. No. 43, read first and second time, and referred to Committee on Railroads and Transportation.

Mulroney, of the Committee on Judiciary, reported that the Judiciary Committee had appointed Miss Alice Brewer of Missoula, as its Committee Clerk.

On motion of Everett, at 1:30 P. M., the House adjourned.

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Speaker.

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Chief Clerk.

THIRTEENTH DAY

Saturday, January 14, 1905.

MORNING SESSION.

House met pursuant to adjournment at 10 o'clock, A. M.

Prayer by Chaplain.

Roll called, and all members found present except Fairbanks, MacGinnis and Wellman. Quorum present.

There being no objection, the Speaker ordered that, that portion of the minutes referring to the proceedings of the Joint Assembly be omitted from the reading of the minuts, at this time.

The Speaker also ordered the following correction to the minutes of the 12th Instant: "That the titles to House Bills Nos. 5, 13 and 14 were announced by the Speaker and concurred in by the House, at the time of passage."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 13, 1905.

Mr. Speaker:

I am directed by the Senate, to inform your Honorable body that the following Senate bills were introduced, read first and second time:

S. B. No. 11. By White: A Bill for An Act to enable the Normal School Land Grant, to be further utilized in providing additional buildings and equipments for the Montana State Normal College.

Also the following notices of introduction of bills were given:

By McDonnell: A bill to provide for the gathering of unknown strays upon the public domain.

By Miles: A bill for An Act for the recovery of the value of permanent improvements placed on real estate by persons in possession thereof, and holding same in good faith under color of title.

By Martien: A bill for An Act to define lawful fences.

Respectfully,

C. E. WIGHT, Secretary."

"Jan'y 13th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: House Bills No. 5, 13 and 14 were read the third time and concurred in and are herewith transmitted.

Respectfully,

C. E. WIGHT, Secretary."

REPORTS OF STANDING COMMITTEES.

Cone, from the Committee on Enrollment, reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled, this 14th day of January, 1905.

House Bill No. 5. An Act to determine the liability of persons or corporations operating railways or railroads in this state for damages sustained by employes thereof, and to declare void contracts restricting such liability.

House Bill No. 13. An Act to Appropriate Moneys for the Payment of Mileage and Per Diem for the Members of the Ninth Legislative Assembly of the State of Montana, also for the Payment of Per Diem of the Officers and Attaches thereof.

House Bill No. 14. An Act Making Appropriation for the incidental expenses of the Ninth Legislative Assembly of the State of Montana."

Report adopted.

The Speaker announced, to the House, that he was about to sign House Bills Nos. 5, 13 and 14.

Berry, of Lewis and Clarke, presented the Speaker with a gold pen, with which to sign House Bill No. 5.

Mr. Speaker ordered that the pen be transmitted to the Senate, to be used by the President of the Senate in signing House Bill No. 5.

"Mr. Speaker:

The following committees have selected Miss Kathryn A. O'Donnell as their clerk: Insurance, State Boards and Officers, Fairs and Expositions, Sanitary Affairs, and Mileage and Per Diem.

EMIL STARZ,
S. L. POTTER,
A. DECKER,
L. H. VANDYCK,
JONATHAN SEWELL."

Ordered placed on file.

"To the Speaker and Members of the House of the Ninth Legislative Assembly:

The Historical Department of the State Library has ready for distribution, to the members of your honorable body, Volume V of Historical Society Contributions, which may be obtained by calling at the office of the librarian.

LAURA E. HOWEY, Secretary and Librarian."

"Mr. Speaker:

The following committees have selected Miss Grace McNerney as their clerk: Corporations other than Municipal, Townships and Counties, Federal Relations,

and House Employees, and I move you that this selection be confirmed by the House.

SANDERS,
VANDYCK,
G. J. WIEDEMAN,
GEORGE METCALF."

Motion carrying, report was adopted.

NOTICES OF BILLS.

By Berry: A Bill for an act entitled An act appropriating money for the payment of claim of W. W. Welch.

A bill for an act entitled An Act to punish interferences, and attempted interferences with railroad property, and the causing of death thereby; and to repeal Section 1030 of Chapter XIII, of Title XIII of Part I of the Penal Code of Montana.

By Mulroney: A bill for an act entitled An Act to amend Subdivision one (1) of Section 2221 of Title VII, Part III, of the Code of Civil Procedure of the State of Montana, Relating to Eminent Domain.

By Linderman: A bill for an act validating all railroad tickets and contracts for Transportation and the unused portions thereof, and providing liabilities and penalties for the violation of the terms of this Act.

By Brewster: A bill relating to Bounty on Wild Animals.

By Leiper: A bill providing for a division of the Seventh Judicial District.

By Selway: A bill providing for a Bureau of Immigration of the State of Montana, and defining the duties thereof.

By Ross: A bill for an act relating to the employment of children in underground mines and providing a penalty for the violation of the provisions of this act.

REPORTS OF STANDING COMMITTEES.

Mulroney, of the Committee on Judiciary, reported as follows:

"Helena, Montana, Jan. 13th, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Joint Concurrent Resolution No. 1, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people, beg to report back to the House with the recommendation that it do pass."

On motion of Wyman, the report was adopted.

Joint Concurrent Resolution No. 1, referred to Committee on Printing.

Also:

"Helena, Montana, Jan. 13th, 1905.

Mr. Speaker:

We, the Committee on Judiciary, having had under consideration House Bill No. 15, introduced by F. S. Sanden, A Bill for an Act to repeal Section 4064 of the Political Code of the State of Montana, relating to Licenses, beg to report same back to the House with the recommendation that it be indefinitely postponed.

MULRONEY, Chairman."

Blake moved that the report be adopted.

Substitute motion, by Sanden, to re-refer House Bill No. 15 back to the Committee on Judiciary.

Original motion lost. Substitute motion carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Dempster: H. B. No. 44. A Bill for an act entitled "An act to provide that the National Flag be unfurled, displayed, and kept floating upon the State Capitol Building, and to Authorize and Direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto."

By O'Connor: H. B. No. 45. A bill for an act giving the owners of certain animals the right to sue persons marking, branding, killing or selling the same.

By Mumbrue: H. B. No. 46. A bill for an act to amend Sections 1920 and

1921, Part III, Title III, of the Political Code of the State of Montana, as amended by an act approved March 3rd, 1903, relating to the compulsory education of Children between the ages of 8 and 16 years."

By Wilson: H. B. No. 47. A bill for an act entitled "An act to regulate the weighing of coal of employees engaged in mining coal at bushel or ton rates by any mine owner, lessee or operator, or for the prevention of any contract or agreement between mine owners, lessees or operators thereof, and the miners engaged in mining coal therein, and providing penalties for any violation thereof."

By Wilson: H. B. No. 48. A bill for an act entitled "An act appropriating money for the payment of the claim of R. W. Berry for cash advanced by him for expenses incurred outside of the State Line in the prosecution of the case of the State of Montana vs. George Hliboka."

READING OF HOUSE BILLS.

Motion, by Lanstrum, to suspend the rules and read all House Bills, except Appropriation Bills, by title only. Motion carried.

The following bills were taken from the file, and read first and second time:

H. B. No. 44 referred to Committee on State Boards and Officers.

H. B. No. 45 referred to Committee on Live Stock and Public Ranges.

H. B. No. 46 referred to Committee on Education.

H. B. No. 47 referred to Committee on Mines and Mining.

H. B. No. 48 referred to Committee on Appropriations.

On motion by Shannon, at 10:50 A. M., the House took a recess until 12 o'clock, noon.

JOINT SESSION.

At 12 o'clock, noon, the Honorable Senate appeared before the bar of the House and was duly admitted and received.

Mr. President, of the Senate, in the chair.

The Secretary of the Senate called the roll of the Senate. All members present except Bentall.

The Chief Clerk of the House called the roll of the House. All members present except Fairbanks and Geyman.

The minutes of yesterday's Joint Session were read and approved.

The following communication was read:

"Helena, Montana, Jan. 13, 1905.

Mr. President:

We hereby announce that we are paired on the Senatorial vote, on Saturday, January 14th, and Monday, January 16th, 1905.

MAURICE BENTALL,
C. H. MARTIEN."

Pursuant to law, the Joint Assembly then proceeded, by viva voca vote, to the election of a United States Senator to succeed Honorable Paris Gibson in the Senate of the United States.

The Secretary of the Senate called the roll of the Senate with the following result:

Those voting for the Honorable Thomas H. Carter were Senators Bourne, Brennen, Donlan, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite and Yegen—11.

For Honorable W. G. Conrad—Durham, Glidden, Johnson, Mahon, McCarthy, Ralston, Sherlock, Tewey and Whipple—9.

For Honorable Lee Mantle—Albright, Harper, Kohrs and White—4.

The President announced that the pair of Berry and Fairbanks had been extended over today.

The Chief Clerk of the House called the roll of the House with the following result:

Those voting for Honorable Thomas H. Carter were Representatives Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, English, Everett, Forsythe, Hewett, Hilman, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Hedges—30.

For Honorable W. G. Conrad—Bembrick, Blankenship, Canoll, Collier, Harrington, Hayes, Huntington, Johnston, Macdonald, O'Connor, Quigley, Reel, Roach,

Roll, Sanden, Schoonover, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wellman and Wood—22.

For Honorable Lee Mantle—Bennett, Carriher, Lanstrum, Linderman and Selway—5.

For Honorable T. R. Hinds—Coleman, Dempster, Lannin, Murphy, Shannon and Wyman—6.

For Honorable B. F. White—Decker—1.

For Honorable W. B. George—Kennedy, McGinnis, O'Brien and Walker—4.

For Honorable John MacGinnis—Meunier—1.

Mr. President announced the result as follows:

Total vote—93.

Necessary for choice—47.

For Honorable Thomas H. Carter	41
For Honorable Lee Mantle	9
For Honorable William G. Conrad	31
For Honorable T. R. Hinds	6
For Honorable B. F. White	1
For Honorable W. B. George	4
For Honorable John MacGinnis	1

Mr. President announced no election, and on motion of Senator Whipple, at 12:25 P. M., the Joint Assembly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

There being no objection, Mr. Speaker referred House Bill No. 20 from the Committee on State Boards and Officers to the Committee on Judiciary.

Linderman moved that, when the House adjourn, it adjourn until 11 o'clock, A. M., Monday, the 16th Instant. Motion carried.

On motion of Bennett, at 12:30 P. M., the House adjourned.

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Speaker.

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Chief Clerk.

FIFTEENTH DAY

Monday, January 16, 1905.

House met pursuant to adjournment at 11 o'clock, A. M.

Mr. Speaker in the chair.

Prayer by the chaplain.

Roll called and all members found present except Leiper, Sullivan of Jefferson, and Wellman.

Minutes of the last session, except those relating to the Joint Session were omitted.

The following names were added, by Mr. Speaker, to the Committee on Fairs and Expositions: Wiedeman and Wood.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 14th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your honorable Body that the following Bills were today introduced and read first and second time.

Senate Bill No. 12, by Martien. A Bill for an Act entitled "An Act to define lawful fences; and to repeal Section 3250 of the Political Code and an Act approved March 16th, 1901, entitled an Act to amend Sections 3250, Chapter XIII, Title VII, Part III of the Political Code of the State of Montana."

Senate Bill No. 13, By Committee on Stock Growing and Grazing: A Bill for an Act entitled "An Act to amend Section 3001, of the Political Code of Montana, relating to the duties and powers of the State Veterinary Surgeon."

Senate Bill No. 14, By Brennen. A Bill for an Act entitled "An Act to regulate common carriers, and creating the railroad and warehouse commission of the

State of Montana, and defining the duties of such commission in relation to common carriers."

Senate Bill No. 15. By Committee on Stock Growing and Grazing. A Bill for an Act entitled "An Act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a Board of Sheep Commissioners, and appoint inspectors, and deputy inspectors and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith, and to repeal an Act entitled "An Act for the appointment of a Board of Sheep Commissioners and to define their powers and duties", Approved March 5th, 1897, and Section 3030 to Section 3046 inclusive of the Political Code covering the same subject."

Senate Bill No. 16. By Miles. A Bill for an Act entitled "An Act to repeal Section 1313, Part II, Title X, Chapter III, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of Permanent Improvements which have been placed upon Real Estate by persons in possession thereof, and holding the same in good faith and under color of title."

Also the following notice of introduction of Bills was given:

By Maddox. A Bill for an Act entitled "An Act prohibiting the employment of children under sixteen years of age in underground mines and providing a penalty for its violation.

By Maddox. A Bill for an Act entitled "An Act making a period of eight hours a day's labor on public works and in mills, smelters and underground mines and providing a penalty for its violation.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 14th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 6 was this day read the third time and passed, and is herewith transmitted to the House for concurrence.

Respectfully,

C. E. WIGHT, Secretary."

NOTICE OF BILLS.

The following notices were given:

By Hilman: A Bill authorizing the Board of Managers of the Soldiers' Home to appoint a Chaplain for the Soldiers' Home, with a salary.

By Stevens: A Bill for an Act entitled "An Act declaring Trespass by live stock held in herd to be a misdemeanor and prescribing the punishment therefor, and repealing an act entitled, 'An Act to protect the owners of real estate and claimants under any of the land laws of the United State, and lessees of State lands from trespass by depredation or injury from live stock held in herd." approved March 6th, 1903."

By Murray: A Bill for an Act entitled, "An Act levying a special School Tax on all Male Inhabitants over the age of 21 and under the age of 50 years, for General School Purposes."

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Mulroney: H. B. No. 49. A Bill for An Act entitled, "An Act to Amend Subdivision one (1) of Section 2221, Title VII, Part III, of the Code of Civil Procedure of the State of Montana, Relating to Eminent Domain."

By Linderman: H. B. No. 50. A Bill for An Act validating all railroad tickets and contracts for transportation of passengers and the unused portion of such tickets and contracts for transportation until used or redeemed, except excursion tickets and transportation, sold for not more than two-thirds of the regular passenger rates, providing that such tickets and contracts for transportation and the unused portions thereof shall entitle the owners and holders thereof to full transportation for the distances and mileage contracted for by the sale of the same, and providing for liabilities, punishment and penalties for the violation of any of the terms of this act.

By Hilman: H. B. No. 51. A Bill for An Act to amend Section 4063 of the Political Code of the State of Montana, relating to liquor licenses as said section is now in force after amendment by an Act approved March 4, 1901.

By Berry: H. B. No. 52. A Bill for An Act entitled "An Act to punish interferences, and attempted interferences with railroad property, and the causing of death thereby; and to repeal Section 1030 of Chapter XIII of Title XIII, of Part One of the Penal Code of Montana."

By Brigham: H. B. No. 53. A Bill for an Act entitled An Act to Amend Sections 471 and 473 of the Penal Code of the State of Montana, relating to Abandonment and Neglect of Children.

By Walker: H. B. No. 54. A Bill for an Act entitled An Act amending Section 3695 of the Political Code of the State of Montana, Relating to Taxation of Private Bankers, Brokers or Dealers in Stock.

By Everett: H. B. No. 55. A Bill for an Act entitled An Act to Amend Section 541 of the Penal Code of the State of Montana relating to the sale of intoxicating liquors.

By Buck: H. B. No. 56. A Bill to Create the County of Paradise, designate its boundaries, and Provide for its Organization and Government.

MOTIONS AND RESOLUTIONS.

"Mr. Speaker:

We, your Committees on Agriculture and Horticulture, Irrigation and Water Rights, Military Affairs, Live Stock and Public Ranges, and Fish and Game, have appointed Mrs. Laura E. McIntosh as their Committee Clerk.

And move that said appointment be approved by the House.

W. H. SALES,
AMOS BUCK,
G. W. BREWSTER,
J. R. HILMAN,
DAN. P. MUMBRUE."

Motion prevailed.

"Mr. Speaker:

I move you that the Committee on Mines and Mining, Internal Improvements and Labor be empowered to employ two Clerks, as needed.

Signed, MARCUS L. HEWETT."

Motion prevailed.

By Murray: "I move you sir, that the Committee on Appropriations be allowed an extra clerk for a short time, to collect data for the information of said committee."

Motion prevailed.

Motion by Wilson, that the Engrossing Committee be empowered to employ three clerks. Motion prevails.

READING OF SENATE BILLS.

Senate Bill No. 6, By Mahon. A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to Section 10, Article XI of the Constitution of the State of Montana, relating to the election of County Superintendent of Schools." Read first and second time and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

Motion, by Johnston, to suspend the rules and read all House Bills, except Appropriation Bills, by title only. Motion carried.

The following bills were taken from the file:

H. B. No. 49, read first and second time, and referred to Committee on Judiciary.

H. B. No. 50, read first and second time, and referred to Committee on Judiciary.

H. B. No. 51, read first and second time, and referred to Committee on Ways and Means.

H. B. No. 52, read first and second time, and referred to Committee on Judiciary.

H. B. No. 53, read first and second time, and referred to Committee on Judiciary.

H. B. No. 54, read first and second time, and referred to Committee on Judiciary.

H. B. No. 55, read first and second time, and referred to Committee on Ways and Means.

H. B. No. 56, read first and second time, and referred to Committee on Townships and Counties.

MESSAGES FROM THE GOVERNOR.

"Executive Office, Helena, Montana, January 16th, 1905.

To the Speaker of the House of Representatives:

You are hereby advised that I have approved the following bills:

House Bill No. 5: "An Act to determine the liability of persons or corporations operating railways or railroads in this State, for damages sustained by employes thereof and to declare void contracts restricting such liability."

House Bill No. 13: "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Ninth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

House Bill No. 14: "An Act making an appropriation for the incidental expenses of the Ninth Legislative Assembly of the State of Montana."

J. K. TOOLE, Governor."

Also:

"To the Speaker of the House of Representatives:

I have the honor to transmit herewith, together with all papers relating thereto, the following deficiency claims disapproved by the State Board of Examiners, for reasons which will appear on the several Claims:

Account, Printing	$ 5,289.17
Account, State Orphans Home	2,017.63
Account, State Reform School	3,446.00
Account, Historical Library	840.63
Account, State Veterinarian	975.58
Account, Maintenance Capitol Building	2,386.14
Account, Attorney General	295.38
Account, Bureau Agriculture, etc	13.43
Account, State School of Mines	386.25
Account, Game and Fish Warden	147.32
Account, Care of Prisoners	22,702.56
Account, Care of Insane	23,017.35
Account, Supt. Public Instruction	58.20
Account, Secretary of State	35.96
Account, Coal Mine Inspector	44.80
Account, Eighth Legislative Assembly	157.70
Account, Rewards	100.00
Account, Meat and Milk Inspection Board	36.60
Account, Requisitions	166.28
Account, Stenographer for Att. Gen	300.00
Account, Board of Education	22.00
Account, Salaries of County Attorneys	962.70
Account, Transporting Prisoners	15,982.35
Account, Slaughter of Diseased Animals	12,969.75

Also the following claims which have been disallowed by the State Board of Examiners for the reasons endorsed on each of said claims:

Account, Custer County	$ 1,414.50
Account, W. W. Welch	28.40
Account, W. W. Welch	200.00
Account, W. W. Welch	500.00
Account, John Rochester	100.00
Account, Union Bank & Trust Co	12.50
Account, John Buckley	33.75
Account, Amelia Breidenbach	150.00
Account, D. J. Whaley	64.00
Account, C. B. Taber	40.00
Account, John F. Patterson	192.00

And also the following bounty claims disallowed by the Board for the reasons set forth in the communication accompanying them:

Account, George Pyle	$ 15.00
Account, George Pyle	3.00
Account, L. B. Brown	5.00
Account, Perry McCrea	24.00
Account, Perry McCrea	105.00
Account, C. B. Brenner	40.00
Account, C. J. Kenck	9.00
Account, William Braun	15.00

J. K. TOOLE, Governor."

NOTICES OF BILLS.

The following notices were given:

By Johnston: A bill for "An Act creating the Thirteenth Judicial District of the State of Montana to be composed of the Counties of Yellowstone and Carbon, and providing for the appointment of a Judge thereof."

By Johnston: A bill for an Act entitled "An Act to amend Section 3869 of Article III, Chapter II, Title XIV, Part IV, Division III, of the Civil Code of Montana, permitting mortgaged personal property to be attached and levied upon without first paying the mortgaged debt."

On motion of Linderman, at 11:40 A. M., the House took a recess until 12 o'clock Noon.

JOINT SESSION.

At 12 o'clock, Noon, the Honorable Senate appeared before the bar of the House and were duly admitted and received.

Mr. President, of the Senate, in the chair.

The Secretary of the Senate called the roll of the Senate. All members present except Bentall.

The Chief Clerk of the House called the roll of the House. All members present except Leiper, Sullivan of Jefferson, and Wellman.

The minutes of Saturday's Joint Session were read and approved.

Mr. President announced: "Members of the Ninth Legislative Assembly: We are met in pursuance to law for the election of a United States Senator, to succeed the Honorable Paris Gibson, in the Senate of the United States, for the term ending March 4th, 1911."

The following was read:

"Helena, Montana, Jan. 14th, 1905.

Mr. President:

The undersigned are paired on Senatorial vote for Monday, January 16th.

F. P. LEIPER,
W. M. JOHNSTON."

By viva voca vote, the Joint Assembly then proceeded to the election of a United States Senator.

The Secretary of the Senate called the roll of the Senate with the following result:

Those voting for the Honorable Thomas H. Carter were Senators Albright, Bourne, Brennen, Donlan, Harper, Kohrs, Maddox, Miles, McCone, McDonnell, McLean, Tooley, Waite, White and Yegen—15.

For Honorable William G. Conrad—Durham, Glidden, Johnson, Mahon, McCarthy, Ralston, Sherlock, Tewey and Whipple—9.

Paired—Bentall and Martien.

The Chief Clerk of the House called the roll of the House with the following result:

For the Honorable Thomas H. Carter: Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Ross, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson and Hedges—37.

For the Honorable William G. Conrad—Bembrick, Berry, Blankenship, Collier, Harrington, Hayes, Huntington, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Starz, Sullivan of Lewis and Clarke, Teskey and Wood—19.

For Honorable Martin Dee—Canoll, Dempster, Geyman, Lannin, Shannon and Wyman—6.

For Honorable William Scallon—Kennedy—1.

For Honorable W. F. Sanders—Linderman—1.

For Honorable John MacGinnis—Meunier—1.

For Judge Grogan—Murphy and O'Brien—2.

For Honorable Thomas R. Hinds—MacGinnis—1.

Paired—Johnston and Leiper. Absent—Sullivan of Jefferson, and Wellman.

The President announced the result as follows:

Total vote—92.

Necessary for choice—47.

For the Honorable Thomas H. Carter	52
For Honorable W. G. Conrad	28
For Martin Dee	6
For William Scallon	1
For W. F. Sanders	1
For John MacGinnis	1
For Judge Grogan	2
For T. R. Hinds	1
Paired	4
Absent	2

Mr. President announced, to the Joint Assembly, as follows: "The Honorable Thomas H. Carter is duly elected Senator from Montana, to succeed the Honorable Paris Gibson in the Senate of the United States, for the term ending March 4th, 1911."

Senator Maddox, seconded by Senator Brennen, moved that the Honorable Thomas H. Carter, Senator-elect, be asked to address the Joint Assembly. Carried unaniomus.

Mr. President appointed Senators Maddox, Brennen and Mahon to conduct Senator-Elect, Honorable Thomas H. Carter, to the chair.

Senator-Elect, Thomas H. Carter, then proceeded with an address of thanks to the Joint Assembly, and to the State of Montana.

On motion by Senator White, at 12:47 P. M., the Joint Assembly dissolved, and the Senate retired from the Hall of the House.

HOUSE RESUMED.

At 12:50 P. M., the House resumed.

Mr. Speaker in the chair.

By the request of the Historical Society of the State of Montana, a picture of the House in session, was taken.

On motion of Johnston, at 12:57 P. M., the House adjourned until 11 o'clock A. M., tomorrow, the 17th Instant.

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Speaker.

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Chief Clerk.

SIXTEENTH DAY

Tuesday, January 17th, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present except Coleman, Geyman, Lanstrum, MacGinnis, Sullivan of Jefferson, and Walker. Quorum present.

Minutes of last session were read and approved.

House bill No. 7 was re-referred to Committee on Sanitary Affairs, from the Committee on Internal Improvements.

House Bill No. 8 was re-referred, from the Committee on State Boards and Officers, to the Committee on Sanitary Affairs.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

"Helena, Montana, Jan. 16th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bill was today introduced and read the first and second time.

Senate Bill No. 17, by McDonnell: A Bill for an Act to provide for the gathering and sale of unknown strays upon the public domain.

Also the following notices of introduction of Bills were given:

By Whipple: A Bill for an Act to amend 403 and 520 of the Civil Code, relating to Corporations.

By Whipple: A Bill for an Act to provide for payment of expenses incurred by the County Sheriffs, and for the transportation of prisoners and insane persons.

Respectfully,

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Bennett: An Act to amend Section 180 of the Code of Civil Procedure relating to the disqualification of Judges as amended by Act approved December 10th, 1903, and to provide reimbursement for Judges sitting in the stead of disqualified Judges.

By Lannin: A Bill for an Act to prevent Blacklisting of Employes and providing a penalty for the violation thereof.

By Lannin: A Bill for an act entitled An Act providing for State Control of the Penitentiary at Deer Lodge and abolishing the Contract System thereof.

By Mulroney: A Bill for an Act entitled An Act to appropriate money to aid in the erection, completion and equipment of a Library Building for the University of Montana at Missoula, Montana.

By Ross: A Bill for an act prescribing the hours of labor, which shall constitute a day's work, on all works or undertakings carried on or aided by any municipal, County or State Government and on all Contracts let by them, and in Mills and Smelters for the treatment of ores, and in underground mines, and providing a penalty for the violation of the provisions of this act.

By Sewell: A Bill for an act to amend Section 1054 of the Penal Code of the State of Montana, by adding thereto a subdivision numbered 8, relative to trespassing on or in vacant buildings.

By Reel: A Bill for an act providing for the disposal of poisonous chemicals used in mining, milling or other manufacturing operation and for fixing the penalty therefor.

By Johnston: A Bill for an act to amend Section 1020 of Chapter II, Title VIII, Part II, of the Code of Civil Procedure of Montana, and providing for the entry of judgment upon failure to answer or to challenge the jurisdiction of the court.

By Meunier: A Bill for an Act to amend subdivision 5, Section 3701 of the Political Code of the State of Montana, relating to assessment of property.

By Blake: A Bill for an Act to provide that all graduates of the University of Montana, who have taken at least one year in the department of Psychology and Method shall be entitled to teach in the Public Schools of Montana without other or further examination.

REPORTS OF STANDING COMMITTEES.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that Joint Concurrent Resolution No. 1 has been returned correctly printed. Also that the Governor's message has been printed and distributed, and members will find same on or in their desk."

Report adopted and placed on general orders.

Blake, from the Committee on Education, reported as follows:

"Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 32, an act

entitled An act to amend Section I of an act entitled "An Act to authorize the Trustees of School Districts to repay moneys borrowed and used by such Trustees for maintenance of schools therein, and to levy and collect a tax upon all the taxable property in such districts, or to issue and sell the Bonds of such districts therefor, as such Trustees shall deem advisable," approved February 19, 1901, respectfully report the same back to the House with the recommendation that it do pass."

On motion of Dempster, the report was adopted.

House Bill No. 32 referred to Committee on Printing.

Also:

"Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 46, "An Act to amend Sections 1920 and 1921, Part III, Title III, of the Political Code of the State of Montana, as amended by an act approved March 3rd, 1903, relating to the compulsory education of children, between the ages of 8 and 16 years," respectfully report the same back to the House with the recommendation that it do pass."

On motion of Sales, the report was adopted.

House Bill No. 46 was referred to the Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Stevens: H. B. No. 57, A Bill for an act declaring trespass of livestock held in herd to be a misdemeanor and prescribing the punishment therefor and repealing an act entitled "An Act to protect the owners of real estate and claimants under any of the land laws of the United States, and lessees of State Lands from trespass by depredation or injury from livestock held in herd," approved March 6, 1903.

By Leiper: H. B. No. 58, A Bill for "An Act creating the Thirteenth Judicial District, to be composed of the Counties of Rosebud and Yellowstone, and providing for the appointment of a Judge thereof."

By Johnston: H. B. No. 59, A Bill for "An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone and Carbon, and providing for the appointment of a Judge thereof."

By Johnston: H. B. No. 60, A Bill for an act entitled "An Act to amend Section 3869 of Article III, Chapter II, Title XIV, Part IV, Division III, of the Civil Code of Montana, permitting mortgaged personal property to be attached and levied upon without first paying the mortgage debt."

By Selway: H. B. No. 61, A Bill for an act entitled "An act providing for a bureau of Immigration of the State of Montana, and define the duties thereof."

By Starz: House Joint Resolution No. 2, Providing for the appointment of a commission to examine into and report upon an adequate water supply for the State Capitol and Grounds.

READING OF HOUSE BILLS.

Motion, by Berry, to suspend the rules and read the House Bills first and second time, by title only. Motion carried.

The following bills were taken from the file:

H. B. No. 57, read first and second time, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 58, read first and second time, and referred to Committee on Judiciary.

H. B. No. 59, read first and second time, and referred to Committee on Judiciary.

H. B. No. 60, read first and second time, and referred to Committee on Judiciary.

H. B. No. 61, read first and second time, and referred to Committee on Immigration.

House Joint Resolution No. 2, read first and second time, and referred to Committee on Sanitary Affairs.

On motion by Dempster, the House went into a Committee of the Whole, for the consideration of House Joint Concurrent Resolution No. 1.

Everett in the chair.

House resumed.

Mr. Speaker in the chair.

Everett, of the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration, Joint Concurrent Resolution No. 1, beg leave to report same back to the House with the recommendation that it do pass."

Report adopted, on motion by Wilson.

House Joint Concurrent Resolution No. 1 referred to Committee on Engrossment.

Motion, by Wilson, that, when the House adjourn, it adjourn until 11 o'clock A. M. tomorrow, the 18th Instant. Motion carried.

On motion by Johnston, at 11:55 A. M., the House adjourned.

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Speaker.

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Chief Clerk.

SEVENTEENTH DAY

Wednesday, January 18th, 1905.

House met pursuant to adjournment at 11 o'clock, A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll was called and all members found present except Geyman, O'Brien, Roll, Sullivan, of Jefferson, and Sullivan, of Lewis and Clarke.

The Journal of yesterday was read and approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

"Helena, Mont., Jan. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following resolution has this day been presented to and adopted by the Senate and is herewith transmitted to the House for its concurrence.

CONCURRENT RESOLUTION NO. 1.

"Whereas serious charges have been published and advertised in the public press against the Montana State Penitentiary and the management thereof, and are evidently being given credence by some portion of the public, and whereas, it is deemed advisable that such charges should be investigated and a report as to the truth or falsity thereof should be made to the Legislative Assembly; therefore be it resolved by the Senate, the House concurring, that a select committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House, be appointed to visit the said Penitentiary at Deer Lodge and to make full investigation into said charges, and also a full investigation as to the management and conducting of said institution, and report to the legislative Assembly as soon as may be, the result of its investigation.

Be it further resolved, that the members of said Committee above provided for, shall be allowed their actual and necessary expenses incurred in making the investigation above provided for.

Be it further resolved, that the said Committee, and each member thereof, be, and are hereby authorized to administer oaths, subpoena, and examine witnesses, and have such other and further powers as may be necessary to make a full and complete investigation and report."

Respectfully submitted,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that notices of introduction of bills were given as follows:

By Ralston: A Bill providing for primary elections.

By Maddox: A Bill for an act authorizing an officer of a corporation to take oath for and in behalf of his corporation in any instance where the corporation is authorized to act as trustee, guardian or other fiduciary capacity and an oath of officer is required.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were this day introduced and read first and second time.

Senate Bill No. 18, by Maddox: A Bill for an Act entitled "An Act prohibiting the employment of children under sixteen years of age, in underground mines and providing penalties for the violation of the provisions thereof."

Senate Bill No. 19, by Whipple: A Bill for an Act to amend Section 2977, Title I, Part IV, of the Penal Code of the State of Montana, Relating to compensation of sheriff for transportation of prisoners and insane persons.

Senate Bill No. 20, by Whipple: A Bill for an Act to amend Sections 403 and 520 of the Civil Code of the State of Montana, relating to Corporations.

Senate Joint Memorial No. 1, by White: Relating to the erection of a monument to Thomas Francis Meagher on the Capitol Grounds.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Senate Bills Nos. 1 and 2 were this day read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Hewett: A Bill for An Act entitled, "An Act Appropriating Money for the Payment of Per Diem and Mileage of Certain Persons on Account of Services as Presidential Electors for the year 1905."

By Mulroney: A Bill For an Act entitled, "An Act creating, establishing and naming a Board of Railroad Commissioners, fixing their salaries, defining their duties and powers, regulating railroad corporations and other common carriers in this State, preventing the imposition of unreasonable rates and unjust discrimination in rates, charged for the transportation of passengers and property, prescribing the mode of procedure and the rules of evidence in relation thereto, and prescribing penalties for the violation of the provisions of this act."

By Canoll: A Joint Resolution, relating to an amended Inter-State Commerce Bill, and to take proper action in regard to commending the efforts of His Excellency, the President of the United States, and also the Hon. W. R. Hearst, in relation thereto.

By Dempster: A Bill for An Act entitled An Act to provide for the Corporal Punishment of Wife-Beaters, and Persons guilty of Cruelty to Children.

By Berry: A Bill for an act entitled An Act Providing for the submission to the qualified electors of the State, for their approval or rejection, an amendment to Section 2 of Article IX of the Constitution of the State of Montana in relation to the right of Suffrage.

By Johston: A Bill for "An act to amend Article III, Chapter I, Title X, Part II, of the Penal Code of Montana by adding thereto a section numbered 2367, and relating to the duties of the Clerk of District Court in approving bail offered for persons indicted or against whom an information has been filed."

By Johnston: A Bill for "An Act to amend Section 1736, Chapter I, Title XIII,

Part II, of the Code of Civil Procedure of Montana, and relating to appeals from Judgments."

By Starz: A Bill for An Act to repeal Section 4072 of the Political Code of the State of Montana, relating to Licenses of Professional Men.

By Starz: A bill for an act entitled An Act to amend Section 1, 2 and 17 of an act entitled An Act to create the office of Meat and Milk Inspector for the State of Montana and prescribing their powers and duties and compensation therefor, approved March 7, 1903, and thereby to create a Board of Meat and Milk Inspection, define their duties, including the appointment of Meat and Milk Inspectors, for their Compensation and that of the President of such Board and fix a standard quality of milk and cream.

By Blankenship: A Bill for an act to amend Section 1210 of the Political Code and to repeal Section 1217 of the Political Code, relating to registration of qualified electors.

By Wellman: A Bill for An Act to Correct the Spelling of the Name, "Lewis and Clarke County."

By Walker: A Bill entitled an act to amend Sections 860 and 861, Part 3, Title 1, Chapter Five, of the Political Code of the State of Montana, relating to the Salaries of Justices of the Supreme Court and District Judges.

By Linderman: A Bill for an act to amend Section 1123 of the Penal Code. relating to the dumping of refuse in Streams.

REPORT OF SELECT COMMITTEES.

"Helena, Montana, Jan. 18, 1905.

Mr. Speaker:

We, your committee, appointed to sub-divide the Governor's message, beg to report the following:

For the abolition of one Judge in Lewis and Clarke County.

Referred to Committee on Judiciary.

For election of Judges at a time other than general elections.

Referred to Committee on Privileges and Elections.

For the taxation of costs of transporting prisoners to the penitentiary to the several counties from whence they come instead of the State.

Referred to Committee on Ways and Means.

Submitting a Constitutional amendment enlarging the powers of the State Board of Equalization by which that Board can raise or lower assessments upon classes of property without regard to its effect upon the total assessment as returned.

Referred to Committee on Judiciary.

Placing fraternal insurance companies doing business in this State under State supervision, and exacting from such a small fee sufficient to cover the expenses of supervision.

Referred to Committee on Insurance.

For the submission of an amendment to the State Constitution providing for direct legislation after the manner and form of the Oregon amendment.

Referred to Committee on Privileges and Elections.

The passage of a law providing for direct primary elections under the Australian system.

Referred to Committee on Privileges and Elections.

The election of all important officers (now appointed) by the people.

Referred to Committee on State Boards and Officers.

The creation of a railroad commission with adequate powers to regulate rates within the State, and to prevent discrimination in charges of facilities for transportation.

Referred to Committee on Railroads and Transportation.

For the passage of an efficient fellow servant law.

Referred to Committee on Railroads and Transportation.

For Coal Mine Inspector.

Referred to Committee on Mines and Mining.

For Montana State Fair.

Referred to Committee on Fairs and Expositions.

For Water for Capitol and Grounds.

Referred to Committee on State Institutions.

For Insurance.
Referred to Committee on Insurance.
For Meagher Monument.
Referred to Committee on State Institutions.
For Carey Land Board.
Referred to Committee on State Boards and Officers.
For State Institutions.
Referred to Committee on State Institutions.
Sanitary condition of Mines in Butte.
Referred to Committee on Mines and Mining.
Reports of State Officers.
Referred to Committee on Ways and Means.
Receipts and Expenditures.
Referred to Committee on Appropriations.

Signed.
Hewett, Chairman."

Report adopted, on motion by Wilson.

REPORTS OF STANDING COMMITTEES.

Lanstrum, of the Committee on Railroads and Transportation, reported as follows:

"Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration House Bill No. 26, A Bill for an Act to Compel Street Railway Companies to Protect Certain of their Employes From the Inclemencies of the Weather, beg leave to report the same back to the House and recommend that it do pass."

On motion of Dempster, the report was adopted.

House Bill No. 26 was referred to Committee on Printing.

Mulroney, of the Committee on Judiciary, reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 6, "A Bill for an Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said Section is amended by an Act approved March 11th, 1901, entitled, 'An Act to amend Section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana,' relating to the election and term of office of District Judges," beg leave to report same back to the House with the recommendation that it do pass, with the following amendment, to-wit:—

Section 3. This Act shall take effect and be in force from and after the First Monday in January, 1909."

On motion of Wilson, the report was adopted.

House Bill No. 6 was referred to the Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 20, A Bill for an Act entitled, "An Act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana, relating to officers and election of officers in cities of the first class," beg to report same back to the House with the recommendation that it do pass with the following amendment, to-wit:—

"That the words, 'one Chief of Police' in lines seven (7) and eight (8) of Section No. 1, be stricken out and that the words 'One Chief of Police' be inserted in line eleven (11) of Section No. 1 immediately following the word 'Council'; and that Section 2 be amended by striking out the words 'One Chief of Police,' in line fourteen (14) of Section 2."

MULRONEY, Chairman."

On motion of Blake, the report was adopted.

House Bill No. 20 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 25, a Bill for an Act entitled an Act amending Section 4604 of the Political Code of the State of Montana, relating to the expenses of Sheriffs for transport-

ing Prisoners and Insane Persons, and for serving process of court, beg to report same back to the House with the recommendation that the same do not pass.

MULRONEY, Chairman."

Motion, by Williams, that report be adopted. ?

Substitute motion, by Sanden, that House Bill No. 25 be ordered printed.

Substitute motion carried. Original motion lost.

House Bill No. 25 was referred to Committee on Printing.

Starz, from the Committee on Sanitary Affairs, reported as follows:

To the Speaker,

House of Representatives:—

We, the Committee on Sanitary Affairs, having had under consideration House Bill No. 7, beg leave to report and recommend that it do pass as amended."

On motion by Lanstrum, the report was adopted.

House Bill No. 7 referred to the Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Hilman: H. B. No. 62, A Bill for an act to add to Part III, Title V, Chapter IV, Article IV, of the Political Code of the State of Montana, relating to the Soldiers' Home, an additional section to be designated Section 2532, relating to the appointment of a chaplain and providing for his compensation and payment.

By Mulroney: H. B. No. 63, A Bill for an Act entitled "An Act to appropriate money to aid in the erection, completion and equipment of a Library Building for the University of Montana, at Missoula, Montana."

By Ross: H. B. No. 64, A Bill for an act relating to the employment of children in underground mines, and providing a penalty for the violation of the provisions of this act.

By Ross: H. B. No. 65, A Bill for an act prescribing the hours of labor which shall constitute a day's work, on all works or undertakings carried on or aided by any Municipal, County, or State Government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines, and providing a penalty for the violation of the provisions of this act.

By Meunier: H. B. No. 66, A bill for an act to amend Subdivision 5, Section 3701, of the Political Code of the State of Montana, relating to the assessment of property.

By Reel: H. B. No. 67, A Bill for an act providing for the disposal of poisonous chemicals, used in mining. milling or other manufacturing operation, and for fixing the penalty therefor.

By Johnston: H. B. No. 68, A Bill for an act entitled "An act to amend Section 1020, of Chapter II, Title VIII, Part II, of the Code of Civil Procedure, providing for the entry of judgment upon failure to answer or to challenge the jurisdiction of the court."

By Berry: H. B. No. 69, A Bill for an act entitled "An Act appropriating money for the payment of W. W. Welch, account extra clerical help in the office of State Superintendent of Public Instruction.

By Lannin: H. B. No. 70, A Bill for an act to prevent blacklisting of employes, and providing a penalty for the violation thereof and providing a civil action for damages.

MOTIONS AND RESOLUTIONS.

On motion of Lanstrum, that House Bills Nos. 11 and 43, and all bills which may be introduced during this session, referring to Railroad Commissions, be printed; it was so ordered.

Wyman moved that the House concur in Senate Concurrent Resolution No. 1; and that the chair appoint a committee of three to confer with a like committee from the Senate, when that committee shall have been named.

O'Connor moved, as an amendment, that the chair appoint a Committee of five instead of three, to confer with the Committee appointed by the Senate.

Amendment lost. Motion carried.

The Speaker appointed, as such committee, Lanstrum, Carriher and O'Connor.

Coleman moved that the Judiciary Committee be empowered to employ one additional clerk and one stenographer. Motion lost on division of the House.

Kennedy moved that all bills, before being considered by Committee of the

Whole, be referred to the Judiciary Committee for the purpose of considering the constitutionality of the same.

Lannin moved that the motion be laid on the table. Carried.

On motion of Mulroney, the Chairman of the Judiciary Committee was allowed one Assistant Clerk.

READING OF SENATE BILLS.

Lanstrum moved that all bills, except appropriation bills, be read the first and second time by title only.

Substitute motion, by Mumbrue, that bills be read in full.

Substitute motion lost. Original motion carried.

S. B. No. 1 read first and second time and referred to Committee on Judiciary.

S. B. No. 2 read first and second time and referred to Committee on Railroads and Transportation.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 62, read first and second time, and referred to Committee on Military Affairs.

H. B. No. 63, read first and second time, and referred to Committee on Appropriations.

H. B. No. 64, read first and second time, and referred to Committee on Labor.

H. B. No. 65, read first and second time, and referred to Committee on Labor.

H. B. No. 66, read first and second time, and referred to Committee on Judiciary.

H. B. No. 67, read first and second time, and referred to Committee on Sanitary Affairs.

H. B. No. 68, read first and second time, and referred to Committee on Judiciary.

H. B. No. 69, read first and second time, and referred to Committee on Appropriations.

H. B. No. 70, read first and second time, and referred to Committee on Judiciary.

Motion, by Lanstrum, that, when the House adjourn, it adjourn until 2 P. M. tomorrow, the 19th Instant.

Amendment, by Sales, that, when the House adjourn, it adjourn until 10 A. M. tomorrow.

Amendment lost. Motion carried.

On motion, by O'Connor, at 12:57 P. M., the House adjourned.

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Speaker.

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Chief Clerk.

EIGHTEENTH DAY

Thursday, January 19th, 1905.

House met pursuant to adjournment at 2 o'clock, P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll was called, and all members found present except Bembrick, Potter and Sales.

Potter and Sales were excused, by Mr. Speaker, on account of sickness.

Journal of yesterday was read and approved.

Sewell moved that the House take a recess for ten minutes, and that the members assemble on the front steps of the Capitol Building, for the purpose of being photographed. Motion carried.

At 2:22 P. M. the House took a recess for ten minutes.

HOUSE RESUMED.

The following was read:

"Helena, Montana, Jan. 19, 1905.

Mr. Speaker:

We, the undersigned, have agreed to pair upon all questions until further notice.

E. V. BLANKENSHIP,
WALTER SALES."

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

"Helena, Montana, Jan. 18, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the notices of introduction of Bills were given as follows:

By Donlan: A Bill for an Act entitled "An Act to regulate common carriers in the State and creating a railroad commission and defining the duties of such commission."

By Waite: A Bill providing for primary elections.

By McLean: A Bill for an Act entitled, "An Act creating the Thirteenth Judicial District of the State of Montana."

By McLean: An Act to amend Sections 2512, 2514, 2515 and 2527 of the Political Code, relating to Soldiers' Homes.

By Martien: A Bill for an Act entitled "An Act to repeal Section 15 of an Act approved March 18th, 1901, providing for the appointment of State Game Warden and Fish Warden and Deputy Game and Fish Warden."

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 18, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Senate Joint Resolution was today introduced:

Senate Joint Resolution No. 2, by Whipple: Relative to the improvement of the Postal System.

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Lanstrum: A Bill for An Act entitled, An Act Requiring State, County, and City Treasurers to Apportion and Deposit Public Moneys in their Possession in National, State and Private Banks, and Providing for the Payment of Interest thereon.

By Murray: A Bill entitled an act appropriating money for the payment of a deficiency due the State Prison contractors for the last fiscal year.

By Christian: A Bill to provide for the extension of the boundaries of any incorporated city or town so as to embrace and include contiguous platted tracts or parcels of land.

By Quigley: A Bill for an Act to abolish the office of State Game Warden and Deputy Game Wardens, and placing the game of this State under the protection of the Sheriff's Office of the several counties.

By Wellman: A Bill for an Act making it Unlawful for Parents, Guardians, or others, having the Custody of any Minor Child, under the Age of Sixteen Years, to Permit such Minor Child to Carry or Use Firearms of any Description, Except when in the Company of Such Parent or Guardian.

By Coleman: A Bill entitled "An act providing for the selection of Candidates for elections by popular vote, and relating to elections."

REPORTS OF STANDING COMMITTEES.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 32 and House Bill No. 46 have been returned correctly printed."

Report adopted.

House Bills Nos. 32 and 46 were placed on general orders.

Murray, from the Committee on Appropriations, reported as follows:
"Mr. Speaker:

Your Committee on Appropriations, after having had under consideration House Bill No. 48, entitled a Bill for An Act appropriating money for the payment of the claim of R. W. Berry for cash advanced by him for expenses incurred outside the state line in the prosecution of the case of the State of Montana, versus George Hliboka, recommends to the House that said bill do not pass."

On motion by Hewett, the report was adopted.

Mulroney, from the Committee on Judiciary, reported as follows:
"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 60, A Bill for an Act entitled "An Act to amend Section 3869 of Article III, Chapter II, Title XIV, Part IV, Division III, of the Civil Code of Montana, permitting mortgaged personal property to be attached and levied upon without first paying the mortgage debt," beg leave to report same back to the House with the recommendation that it do pass with the following amendment:

By striking out of line three, of Section 1, the words "pledged, assigned or"; by striking out of line 7, of section 1, the words "pledge, assignment or"; by striking out of line 9, of Section 1, the words "pledge, assignment or"; by striking out of line 10, of Section 1, the words "pledgee, assignee or"; by striking out of line 12, of Section 1, the words "pledgee, assignee or"; by striking out of line 14 the words "pledged, assigned or"; by striking out of lines 24 and 25, of Section 1, the words "pledger, assignor or."

On motion of Johnston, the report was adopted.

House Bill No. 60 referred to Committee on Printing.

Also:
"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 49, A Bill for an Act entitled, "An Act to Amend Sub-division one (1) of Section 2221, Title VII, Part III, of the Code of Civil Procedure of the State of Montana, Relating to Eminent Domain," beg to report same back to the House with the recommendation that it do not pass.

MULRONEY, Chairman."

On motion by Berry, the report was adopted.

Also:
"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 53, A Bill for an Act entitled "An Act to amend Sections 471 and 473 of the Penal Code of the State of Montana, relating to Abandonment and Neglect of Children," beg leave to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion of Cone, the report was adopted.

House Bill No. 53 was referred to Committee on Printing.

Also:
"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 52, a Bill for An Act Entitled "An Act to punish interference, and attempted interference with railroad property, and the causing of death thereby; and to repeal section 1030 of Chapter XIII, of Title XIII, of Part I, of the Penal Code of Montana," beg to report same back to the House with the recommendation that it be passed with the following amendment:

"That the figure '3' in line two (2) of Section 5 be changed to read figure '4.'"

MULRONEY, Chairman."

On motion of Hewett, the report was adopted.

House Bill No. 52 was referred to Committee on Printing.

Also:
"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 16, A Bill for an Act entitled, "An Act authorizing the County Commissioners of any county to provide public scales at any suitable location in the county;

providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher," beg to report same back to the House with the recommendation that it be re-referred to the Committee on Townships and Counties.

MULRONEY, Chairman."

Report adopted.

House Bill No. 16 was referred to Committee on Townships and Counties.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 38, A Bill for an Act entitled "An Act to provide for Apportionment of Membership and Representation of the Several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to Fix the Number of Members Thereof," beg to report the same back to the House with the recommendation that it be re-referred to the Committee on Apportionment and Representation.

MULRONEY, Chairman."

On motion by Hewett, the report was adopted.

House Bill No. 38 referred to Committee on Apportionment and Representation.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 27, A Bill for an Act entitled "An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Section 15 of Article XII of the Constitution of the State of Montana, relating to State and County Boards of Equalization," beg leave to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by O'Connor, the report was adopted.

House Bill No. 27 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 28, A Bill for an Act entitled "An Act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure relating to exemptions to married persons and to persons who are heads of families," beg to report the same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Berry, the report was adopted.

House Bill No. 28 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 21, A Bill for an Act entitled, "An Act to amend Section 2130 of Chapter II, Title IV, Part III of the Code of Civil Procedure relating to liens of mechanics and others upon real property, and providing for the giving of written notices before such liens may be claimed," beg to report the same back to the House with the recommendation that it do not pass.

On motion by Johnston, the report was adopted.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 22, A Bill for an Act entitled "An Act to amend Section 1, of an Act approved February 22nd, 1899, entitled "An Act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to Pleadings in Civil Action," beg leave to report the same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Ross, the report was adopted.

House Bill No. 22 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 1, a Bill for an Act to Amend Sections 3860 and 3866, of Article II, Chapter VIII, Title III, of the Political Code of Montana, relating to Collection of Property Tax, as amended by House Bill No. 49, Session Laws of 1899; also to Amend Sections 3867, 3868, 3871, 3872, 3873 and 3908 of Article II, Chapter VIII, Title III, of the Political Code of Montana," beg to report same back to the House with the recommendation that it do pass upon the adoption of the following amendments, to-wit:

Amend the Title to read as follows: "A Bill for an Act to Amend Sections 3860 and 3866 of Chapter VIII, Title X, Part III, of the Political Code of Montana, Relating to collection of Property tax, as amended by House Bill No. 49, Session Laws of 1899; also to Amend Sections 3867, 3868, 3871, 3872, 3873 and 3908 of Chapter VIII, Title X, Part III, of the Political Code of Montana, as amended by House Bill No. 49, Session Laws of 1899;" That Section No. 1 of the Bill be further amended by inserting "Section" and the figures "3860" at the begining of Line Three of the Section;

That Section No. 2 of the Bill be amended by inserting, after the figures 3866, the following: "of Chapter VIII, Title X, Part III, of the Political Code of Montana, as amended by House Bill No. 49, Session Laws of 1899," in Line One of Section No. 2; That said Section No. 2 be further amended by inserting "Section 3866" at the beginning of Line Three of said section; That said Section No. 2 be further amended by striking out the words "the one-half (½) of any" in Lines Three and Four of the second page of said bill.

That Section No. 3 of said Bill be amended by inserting after the figures "3867" in the first line of said section, the following: "of Chapter VIII, Title X, Part III, of the Political Code of Montana."

That Section No. 4 of said Bill be amended by inserting, after the figures 3868, in Line one of said section, the following: "of Chapter VIII, Title X, Part III, of the Political Code of Montana," that said Section be further amended by inserting the word "Section" at the beginning of Line Three of said section.

That Section No. 5 of said bill be amended by inserting, after the figures 3871, in first line of said section, the following: "of Chapter VIII, Title X, Part III, of the Political Code of Montana," and also by inserting the word "Section" at the beginning of the Third line of said section.

That Section No. 6 of said bill be amended by inserting, after the figures 3872 in the first line of said section, the words "of Chapter VIII, Title X, Part III, of the Political Code of Montana," and by inserting the word "Section" at the beginning of the third line of said section.

That Section No. 7 of said bill be amended by inserting, after the figures 3873 in the first line of said section, the words "of Chapter VIII, Title X, Part III, of the Political Code of Montana," and by inserting the word "Section" at the beginning of the third line of said section.

That Section No. 8 of said bill be amended by inserting, after the figures 3908 in the first line of said section, the words "of Chapter VIII, Title X, Part III, of the Political Code of Montana," and by inserting the word "Section" at the beginning of the third line of said section.

MULRONEY, Chairman."

On motion by Hewett, the report was adopted.

On motion of Johnston, Senate Bill No. 1 was referred to Committee on Printing.

On motion by Kennedy, the report of the Committee on State Boards and Officers, regarding House Bill No. 31, was re-referred back to that Committee for a more complete report.

Sewell, of the Committee on State Boards and Officers, reported as follows:

"Mr. Speaker:

Your Committee on State Boards and Officers, to which was referred House Bill No. 18, introduced by Wilson, entitled "A Bill for an Act to repeal an Act to prevent wrongs to children and dumb animals and to establish a bureau of child and animal protection, approved March 7th, 1903, and to provide for the appointment of a commissioner and deputy commissioners, who shall take charge

of said Bureau and defining their powers and duties and providing for their compensation," having had same under consideration, report back to the House with the recommendation that it do not pass."

On motion of Berry, the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Canoll: House Joint Concurrent Resolution No. 3, Requesting Senators and Representatives in Congress, to support the Hearst Interstate Commerce Bill.

By Blankenship: H. B. No. 71, A Bill for an Act entitled, "An Act to Amend Section 1210 of the Political Code of Montana, as amended by Senate Bill No. 57 of the laws of 1897, and to Repeal Section 1217 of the Political Code of Montana."

By Bennett: H. B. No. 72, A Bill for an Act to amend Section 180 of the Code of Civil Procedure, relating to the Disqualification of Judges, as amended by Act approved December 10th, 1903; and to provide reimbursement for Judges sitting in the stead of disqualified Judges.

By Coleman: H. B. No. 73. A Bill for an Act entitled, "An Act to enable counties, cities, towns, and school districts of the State of Montana, to use automatic ballot machines at all elections therein."

By Blake: H. B. No. 74, A bill for an act entitled An Act to provide that all graduates of the University of Montana, who have taken at least one year in the Department of Psychology and Method shall be entitled to teach in the Public Schools of Montana without further or other examination.

By Wellman: H. B. No. 75, a Bill for an Act to Correct the Spelling of the name, "Lewis and Clarke County."

By Starz: H. B. No. 76, A Bill for an Act entitled, "An Act to amend Sections 1, 2 and 17 of an Act entitled, "An Act to create the office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation therefor," approved March 7th, 1903, and thereby to create a Board of Meat and Milk Inspection, define their duties, including the appointment of Meat and Milk Inspectors, fix their compensation and that of the President of such Board, and fix a standard quality of milk and cream."

By Berry: H. B. No. 77, A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State, for their approval or rejection, an amendment to Section 2, of Article IX, of the Constitution of the State of Montana, in relation to the right of suffrage."

By Berry: H. B. No. 78, A Bill for an Act entitled "An Act to punish disorderly conduct on trains, and to empower train conductors to make arrests in certain cases."

On motion by Johnston, the rules were suspended, and Berry was allowed to introduce three bills.

By Berry: H. B. No. 70, A Bill for an Act entitled, "An Act to amend Section 1191 of Chapter II, of Title XV, of Part I, of the Penal Code of Montana."

By Johnston: H. B. No. 80, A Bill for an Act, "To amend Article III, Chapter I, Title X, Part II, of the Penal Code of Montana, by adding thereto, a Section numbered 2367, and relating to the duties of the Clerk of the District Court in approving bail offered by persons indicted or against whom an information has been filed."

By Johnston: H. B. No. 81, A Bill for an Act, "To amend Section 1736, Chapter I, Title VIII, Part II, of the Code of Civil Procedure of Montana, and relating to appeals from judgment."

By Hewett: H. B. No. 82, A Bill for An Act entitled, "An Act Appropriating Money for the Payment of the Per Diem and Mileage of Certain Persons on account of services as Presidential Electors for the year 1905."

MOTIONS AND RESOLUTIONS.

Leiper moved that the Committee on Privileges and Elections be empowered to employ two men for the purpose of counting ballots.

Substitute motion, by MacGinnis, that the Committee on Privileges and Elections be instructed to report to the House on the evidence already before it,

in the Wellman-Richardson contest, before being authorized to proceed further.

Substitute motion carried. Mr. Speaker ruled the original motion out of order.

On motion by Lanstrum, the following was ordered inserted in the Journal:

"Joint Assembly, January 16th, 1905.

Honorable Joseph K. Toole:

We hereby notify you that the Joint Assembly, (Assembled according to law on the 16th day of January, 1905) elected the Honorable Thomas H. Carter, Senator to the Congress of the United States, to succeed the Honorable Paris H. Gibson for tne term ending March 4th, 1911, by the following vote:

Total vote	92
Necessary for choice	47
For the Honorable Thomas H. Carter	52
For the Honorable W. G. Conrad	28
For Martin Dee	6
For William Scallon	1
For W. F. Sanders	1
For John MacGinnis	1
For Judge Grogan	2
For T. R. Hinds	1
Paired	4
Absent	2

Respectfully yours,
EDWIN NORRIS,
Lieut. Governor and President of Joint Assembly.
NATHAN GODFREY,
Chief Clerk of the House and Clerk of the Joint Assembly.

Dated January 18th, 1905.

Coleman moved that that portion of the Governor's Message, relating to the election of District Judges at a time other than at general elections, be re-referred to the Judiciary Committee. Motion carried.

Motion, by Dempster, that Mr. Joe Duffey be employed as an additional watchman, in order that the watchmen may be placed on an eight-hour shift, instead of a twelve-hour shift.

Linderman moved, as an amendment, that the Speaker be empowered to appoint the watchman.

Kennedy called for Roll Call, which resulted as follows:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Patten, Sewell, Stevens, Vandyck, Williams, Wilson and Mr. Speaker—30.

Nays—Berry, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Johnston, Kennedy, Lannin, Meunier, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Shannon, Starz, Sullivan, of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wellman, Wood and Wyman—36.

Paired—Blankenship and Sales—2.

Amendment lost.

Motion, by Linderman, to lay the original motion on the table was lost on division of the House, the vote being Ayes 31, nays 34.

Motion, by Lanstrum, to consider the question. Motion lost.

Motion, by Johnston, that the Sergeant at Arms of the House procure two copies of the Code of Montana, for the use of the Judiciary Committee. Motion carried.

Motion, by Johnston, that the Sergeant at Arms of the House procure twelve copies of the Codes of Montana and of the Session Laws of 1897, 1899, 1901 and 1903, for the use of the House. Carried.

Motion, by Dempster, that the proper person be authorized to procure a supply of clean hand towels for the use of the Members and Attaches of the House. Carried.

READING OF HOUSE BILLS.

Motion, by Johnston, to read all House Bills, except Appropriation Bills, by title only. Carried.

The following bills were taken from the file:

House Joint Concurrent Resolution No. 3, read first and second time, and referred to Committee on Judiciary.

H. B. No. 71, read first and second time, and referred to Committee on Judiciary.

H. B. No. 72, read first and second time, and referred to Committee on Judiciary.

H. B. No. 73, read first and second time, and referred to Committee on Privileges and Elections.

H. B. No. 74, read first and second time, and referred to Committee on Education.

H. B. No. 75, read first and second time, and referred to Committee on Judiciary.

H. B. No. 76, read first and second time, and referred to Committee on Sanitary Affairs.

H. B. No. 77, read first and second time, and referred to Committee on Judiciary.

H. B. No. 78, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 79, read first and second time, and referred to Committee on Judiciary.

H. B. No. 80, read first and second time, and referred to Committee on Judiciary.

H. B. No. 81 read first and second time, and referred to Committee on Judiciary.

H. B. No. 82, read first and second time, and referred to Committee on Appropriations.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole.

Kennedy in the chair.

House resumed.

Kennedy, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 32, A Bill for an Act entitled, "An Act to amend Section 1 of an Act entitled, 'An Act to Authorize the Trustees of School Districts to Repay Moneys Borrowed and Used by Such Trustees for Maintenance of Schools therein, and to Levy and Collect a Tax upon all the Taxable Property in such Districts, or to issue and sell the bonds of such districts therefor, as such Trustees shall deem advisable,' approved February 19, 1901," report the same back to the House with the recommendation that it do pass.

Also having under consideration House Bill No. 46, report the same back to the House with the recommendation that it do pass with the following amendments:

Amend the title by inserting the words "entitled an Act" after the words "A Bill for an Act."

Amend Section 2, by substituting the word "Sixteen" for the word "Fourteen" in Line 36 of the printed bill.

Amend Section 2, by striking out the words "or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language," in lines 44 and 45 of the printed Bill."

On motion by Kennedy, the report was adopted.

House Bills Nos. 32 and 46 referred to Committee on Engrossment.

On motion by Sanden, at 4:45 P. M., the House adjourned until 10 A. M. tomorrow, the 20th Instant.

.....

Speaker.

.....

Chief Clerk.

NINETEENTH DAY

Friday, January 20th, 1905.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll was called and all members present except Decker, Geyman, MacGinnis, Metcalf, O'Brien, Potter, Schoonover and Selway.

Decker, Metcalf, Potter, Schoonover and Selway were excused.

Journal of yesterday's proceedings read and approved.

The following pairs were announced:

"Mr. Speaker:

The undersigned are paired on all political questions until Monday, January 23rd, 1905.

J. M. KENNEDY,
ALF. DECKER."

Also:

Mr. Speaker:

We, the undersigned, are paired on all questions requiring a vote, until Monday, January 23rd, 1905.

E. O. SELWAY,
J. MEUNIER."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 18, 1905.

To the Honorable Mr. Speaker and Members of the House of Representatives of the Legislative Assembly:

The undersigned have been designated as a committee to convey to your Honorable Body the attached resolution and invitation from the Horticultural Society of Montana now in session in this City and respectfully request this Honorable Body, or the members thereof, when convenient to attend the sessions of said Society and examine the fruit display on exhibition at the County Court House.

Very Respectfully,
ROBERT B. SMITH,
T. A. McCLAIN,
C. F. DALLMAN,
Committee.

Whereas, the Legislature of the State of Montana is now in biennial session in this City and Whereas they are interested in the Horticultural and Agricultural Industries of the State of Montana, and are interested in protecting and promoting said interests as well as other industries, the Horticultural Society of Montana now in session in the City of Helena extends to all State, County and City Officers and the Members of the State Legislature a cordial invitation to visit the sessions of the said society at the Court House, and take part in the discussions and examine the fruit display now on exhibition."

"Helena, Mont., Jan. 19th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second time.

Senate Bill No. 21, by McLean: A Bill for an Act to amend Sections 2512, 2514, 2515 and 2527 of the Political Code of the State of Montana, relating to the Soldier's Home.

Senate Bill No. 22, by Martien: A Bill for an Act to establish a railway and transportation Commission for the State of Montana, and define its powers and duties, whereby discrimination and extortion in railroad and express charges may be prevented, and reasonable freight, passenger and express tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and express companies and afford railroads and express compnaies and other parties adequate remedies; to prescribe penalties for the violation of this Act and to provide means and rules for its enforcement.

Also Senate Joint Memorial No. 1, by Kohrs.

Also notices of introduction of Bills were given as follows:

By Ralston: A Bill submitting the Initiative and Referendum Constitutional amendment to the voter.

By White: A Bill amending Section 577, Chapter IV, Title II, Part IV, Division I of the Political Code relating to State Banks and providing a penalty for false statements and reports or entries of the books thereof.

By Ralston: A Bill for an Act to amend Sections 1354, 1360, 1368 and 1370, Chapter IX, Article II, of Title II, Part III of the Political Code, relating to Ballots and voting and providing for further protection for the voter while preparing his ballot and casting the same

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Hilman: A Bill for an act to Add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, relating to the qualification and disabilities of electors, an additional Section to be designated Section 1189, relating to the right of suffrage of deserters from the military service of the United States, and from the Military Service of the State of Montana.

By Lanstrum: A Bill for an Act entitled "An Act to prohibit the use of any free pass or frank, or privilege withheld from any person, for the traveling accommodations or transportation of any person, or property, or the transmission of any message or communication."

By Coleman: A Bill for an Act entitled An Act requiring the filing of instruments of assignment, sale, or transfer of wages or Salary.

By Kennedy: A Bill for an act for a State Flag.

REPORTS OF STANDING COMMITTEES.

Leiper, Chairman of the Committee on Privileges and Elections, requested to be allowed to make a verbal report, as to the progress of the investigation in the Wellman-Richardson Contest Case.

Johnston moved that the Committee on Privileges and Elections be granted further time, in order that the Committee might make a written report.

On division of the House, the motion was lost by the following vote: Ayes, 25; Nays, 30.

Leiper made verbal report as follows:

"Mr. Speaker:

Now I have given this matter no special attention. I have prepared no formal report but shall state the matter in a rough way just as it came before the committee.

In the first place there appeared specific allegations as to certain precincts, two of the allegations covering every precinct in Lewis and Clarke County. A question was raised as to whether or not we could go into the vote of this county. The committee found it necessary, in order to meet the needs of justice, that these precincts should be counted; accordingly we issued subpoenaes and counted five of these precincts, and in four out of that five we changed the official count. In three of the precincts we changed the count in favor of the contestee, Mr. Wellman; in one of the precincts in favor of the contestant, Mr. Richardson; in the other we found the official vote correct. A demand that a re-count of the whole county was necessary was concurred in by every member of the committee, hence our demand of yesterday, and we base our action upon the fact,—and it strong evidence,—that having made a count of five precincts and changed the official count in four out of the five, that certainly a count of the rest of the county should be had.

Now, a matter altogether different,—we have college place precinct, and the count terminated in favor of Mr. Wellman. In college place precinct there is a difference of opinion and from the testimony taken before Justice Berry it is pretty hard to determine what the facts are.

It seems there were two men by the name of Kinney who went to the polling place at a disputed time,—one minute to six or at six o'clock,—the time I could not determine; it was alleged and denied that the clock had been turned on fifteen

minutes, to which statement neither the committee nor myself gave any credit. These two Kinneys went in at one minute to six or six,—

(Interruption by Coleman.)

We were speaking of two men by the name of Kinney who came to the polling place in college place precinct at or about 6 o'clock, which time was disputed, to vote, but the republican member of the election board had gone home to do his chores, and the two Kinneys were refused polls by the two democratic members of the board for the reason that the members said it was too late. The Kinneys made no particular protest at that time and the members of the board went out and declared the polls closed.

After this, two men came from the booths and placed their polls in the ballot box, when the two Kinneys objected and they had quite a squabble over it. In the meantime the republican member of the board returned. Now the two Kinneys were supposed to be life-long republicans, while the two men who cast their polls after the polls had closed, were supposed to be life-long democrats. After the republican member of the board returned, they continued the dispute as to the right of these two men to have voted and the right of the Kinneys to be excluded and the judges arrived at this conclusion of the matter, to throw out the ballots of the two men who voted after the polls had been closed and not count them at all since they were democrats and the two refused were rpublicans, it would be a stand off; their intentions were doubtless good. What was done? When the ballot box was opened for the purpose of extracting the two ballots; the two on top, supposed to be those of the two democrats, were taken out and laid to one side.

(Interruption by Lanstrum.)

When this ballot box was opened and the two ballots last put in were attempted to be taken out one of the two stuck in the slip of the ballot box, and according to the testimony there was no way to determine whether the ballots extracted were those last put in or not. These two men who are supposed to be life-long democrats, took the stand that they voted the straight republican ticket. Now gentlemen, the point which we reach is this; that it being impossible to know or determine whether these two ballots taken out were the ballots of these two men or not, consequently you will readily see that it is impossible to get the correct count of this precinct. This is the findings of the committee."

Lanstrum moved that the Committee on Privileges and Elections be empowered to employ two additional men, until the completion of the business before the committee,—one man to be chosen by the Minority side, and one, by the Majority.

Motion by Lannin to table Lanstrum's motion.

Lannin called for a roll call, which resulted as follows:

Ayes: Bembrick, Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Harrington, Hayes, Johnston, Lannin, Murphy, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—27.

Nays: Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Patten, Ross, Sales, Sanders, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—34.

Paired—Decker and Kennedy, and Meunier and Selway—4.

Motion lost.

Bennett moved the previous question.

The roll was called with the following result:

Ayes: Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, English, Everett, Forsythe, Hewett, Hilman, Huntington, Lannin, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Macdonald, O'Connor, Patten, Ross, Sales, Sanders, Sewell, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, and Wilson—37.

Nays: Bembrick, Blankenship, Canoll, Coleman, Dempster, Harrington,

Hayes, Johnston, Murphy, Quigley, Roach, Roll, Shannon, Sullivan of Jefferson, Walker, Wood and Mr. Speaker—17.

Paired—Decker, Kennedy, Meunier and Selway—4.

Previous question carried.

Motion, by Lannin, for a reconsideration of the motion just past.

Lanstrum moved to table Lannin's motion.

Lannin called for a roll call, which resulted as follows:

Ayes: Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Chirstian, Cone, English, Everett, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Patten, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—33.

Nays: Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Harrington, Hayes, Johnston, Lannin, Murphy, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Shannon, Starz, Sullivan of Jefferson, Teskey, Walker, Wood and Wyman—25.

Paired—Decker, Kennedy, Meunier and Selway—4.

Motion tabled.

Lannin requested to be allowed to make a Minority report from the Committee on Privileges and elections.

Mr. Speaker ruled that the Minority from the Committee on Privileges and Elections had been given opportunity to make a report.

Dempster appealed from the decision of the chair and demanded a roll call, which resulted as follows:

Ayes: Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, English, Everett, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Patten, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams and Wilson—32.

Nays: Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Harrington, Hayes, Johnston, Murphy, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Shannon, Starz, Sullivan of Jefferson, Teskey, Walker, Wood, and Wyman—25.

Passed—Wellman and Mr. Speaker—2.

Paired—Decker, Kennedy, Meunier and Selway—4.

Mr. Speaker was sustained in his ruling.

Lannin moved that the House now adjourn until 10 A. M., Monday, the 23rd instant.

Johnston moved, as an amendment, that the House take a recess until 2 P. M. today.

Lannin demanded a roll call, and the amendment carried by the following vote:

Ayes: Bennett, Berry, Bembrick, Blake, Brewster, Buck, Burt, Canoll, Christian, Collier, Cone, Forsythe, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Mulroney, Murray, Macdonald, Patten, Ross, Sanden, Sanders, Selway, Shannon, Starz Stevens, Wellman, Wiedeman, and Wilson—34.

Nays: Blankenship, Brigham, Carriher, Coleman, Dempster, English, Everett, Harrington, Hewett, Kennedy, Mumbrue, Murphy, O'Connor, Quigley, Reel, Roach, Sales, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Williams, Wood, Wyman and Mr. Speaker—27.

Paired—Meunier and Selway—2.

House recessed at 11:55 A. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock, P. M.

Mr. Speaker in the chair.

Roll called and all members present except Decker, Fairbanks, Geyman, Metcalf, O'Brien, Potter, Roll, Schoonover, Selway.

Metcalf, Potter, Roll, Schoonover were excused by Mr. Speaker.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following were received:

"Executive Office, Helena, Montana, January 20th, 1905.

To the Speaker of the House of Representatives:

I have the honor to transmit herewith the following deficiency claims, together with all papers relating thereto:

Account, Farmers Institutes	$ 395.50
Account, Sundry State Officers and Boards	457.83
Account, Supt. Public Instruction	34.98
Account, Board of Education	14.65
Account, Attorney General	21.00
Account, Public Printing	900.00
Account, Text Book Commission	79.90
Acconnt, Presidential Electors	211.60
Account, Maintenance National Guard	.50
Account, Maintenance Capitol Building	395.70
Account, Requisitions	198.90

Also the following claims for transporting prisoners, disallowed by the State Board of Examiners for the reasons endorsed on each of said claims:

Account, Harry Cosner	$ 927.20
Account, O. A. Fallang	313.60
Account, T. J. Fowler	125.10
Account, A. V. Gibson	40.00
Account, O. P. Gregg	2,601.50
Account, J. W. Munden	20.00
Account, M. W. Potter	203.40
Account, John J. Quinn	579.60
Account, A. S. Robertson	144.90
Account, L. P. Slater	602.70
Account, George A. Storrar	120.10
Account, H. W. Thompson	731.00

Also the following bounty claim disallowed by the Board for the reason set forth in the communication accompanying the same:

Account, W. B. Word	$ 82.00

J. K. TOOLE, Governor."

Communication referred to Committee on Appropriations.

"Helena, Montana, Jan. 19th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. I was this day read third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully submitted,

C. E. WIGHT, Secretary."

REPORTS OF STANDING COMMITTEES.

"Mr. Speaker: We, your Committee on Engrossment, beg leave to report House Bills Nos. 46 and 32 as correctly engrossed.

C. A. WILSON, Chairman."

House Bills Nos. 46 and 32 placed on file.

"Mr. Speaker: We, your Committee on Printing, beg leave to report that House Bill No. 25 and House Bill No. 26 have been reported correctly printed.

LINDERMAN, Chairman."

House Bills Nos. 25 and 26 were placed on general orders.

"Helena, Montana, January 19, 1905.

"Mr. Speaker: We, your Committee on Engrossment, beg leave to report House Joint Memorial No. 1 as correctly engrossed.

C. A. WILSON, Chairman."

Placed on file.

"Mr. Speaker: We, your Committee on Printing, beg leave to report that the House Rules have been returned correctly printed.

LINDERMAN, Chairman."

Placed on file.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Lanstrum: H. B. No. 83: A Bill for an Act entitled "An Act requiring State, County, and City Treasurers to apportion and deposit public moneys in their possession, in National, State, and Private Banks, and providing for the payment of interest thereon."

By Dempster by request: H. B. No. 84: A Bill for an Act entitled "An Act to provide for the corporal punishment of wife-beaters, and persons guilty of cruelty to children."

By Christian: H. B. No. 85: A Bill for an Act entitled "An Act to provide for the extension of the boundaries of any incorporated City or Town so as to embrace and include contiguous platted tracts or parcels of land."

By Mulroney: H. B. No. 86: A Bill for an Act entitled "An Act creating, establishing and naming, railroad commissioners, fixing their salaries, defining their duties and powers, regulating railroad corporations and other common carriers in the State, preventing the imposition of unreasonable rates and unjust discrimination in rates charged for the transportation of passengers and property, prescribing the mode of procedure and the rules of evidence in relation thereto, and prescribing penalties for the violation of the provisions of this Act."

By Committee on Appropriations: H. B. No. 87: A Bill for an Act appropriating money for the payment of the claim of Conley and McTague for the care of prisoners at the State Penitentiary at Deer Lodge.

By Wellman: H. B. No. 88: A Bill for an Act making it unlawful for parents, guardians, or others, having the custody of any minor child, under the age of sixteen years, to permit such minor child to carry or use firearms of any description, except when in the company of such parent or guardian.

By Sewell: H. B. No. 89: A Bill for an Act entitled "An act to amend Section 1054 of the Penal Code, by adding thereto a subdivision relating to trespass on vacant buildings."

MOTIONS AND RESOLUTIONS.

On motion of Weideman, Senate Bill No. 1 was re-referred to the Committee on Judiciary.

Lanstrum moved that "In recognition of the principals of equity and justice of the eight-hour law, and at the same time maintain the system of economy that the republican members of this assembly are endeavoring to establish, I move that the day watchman be instructed to go on shift at four P. M. and remain on duty until midnight; the night watchman shall be on duty from midnight until 8 A. M. The Sergeant at Arms shall designate one of the Assistant Doorkeepers to act in the capacity of watchman from 8 A. M. until 4 P. M."

Motion carried.

Mulroney moved that, on account of the great amount of work before the Committee on Judiciary, the Chairman of that Committee be allowed to select an additional clerk. Carried.

Mulroney moved that House Bill No. 6 be re-referred to the Committee on Judiciary before printing. Motion carried on division of the House, as follows: Ayes, 38; Nays, 10.

READING OF HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Bennett moved that all bills, except Appropriation Bills, be read first and second time by title only. Motion carried.

The following were taken from the file:

S. J. M. No. 1, read first and second time, and referred to Committee on Federal Relations.

H. B. No. 83, read first and second time, and referred to Committee on Judiciary.

H. B. No. 84, read first and second time, and referred to Committee on Judiciary.

H. B. No. 85, read first and second time, and referred to Committee on Affairs of Cities.

H. B. No. 86, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 87, read first and second time, and referred to Committee on Printing.

H. B. No. 88, read first and second time, and referred to Committee on Judiciary.

H. B. No. 89, read first and second time, and referred to Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Joint Concurrent Resolution No. 1, read third time and passed by the following vote:

Ayes: Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, Quigley, Reel, Roach, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wellman, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—58.

Nays—Brewster and Buck—2.

Paired—Meunier and Selway—2.

Title of Bill agreed to.

House Bill No. 32, read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Roach, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wellman, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Nays—None.

Absent—4.

Excused—3.

Paired—Meunier and Selway—2.

Title of Bill agreed to.

House Bill No. 46, read third time, and, on motion of Linderman, the enacting clause was stricken out.

GENERAL ORDERS.

On motion of Linderman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 25 and 26.

Linderman in the chair.

House resumed.

Mr. Speaker in the chair. ...

Linderman, from the Committee of the Whole, reported as follows:

"Mr. Speaker: Your Committee of the Whole, having had under consideration House Bill No. 25, reports same back to the House with the recommendation that it do pass with the following amendment:

Substitute for Section III, the following: "This act shall be in full force and effect from and after the first Monday in January, 1907."

Also having had under consideration House Bill No. 26, report same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, by striking out the words "the said" in line 18 of printed bill."

Report adopted, on motion of Wilson, duly seconded.

House Bills Nos. 25 and 26, with the amendments, referred to Committee on Engrossment.

Mulroney, from the Committee on Judiciary, reported as follows:

"Mr. Speaker: I beg to report that the Committee on Judiciary has selected Miss S. McCarthy, of Lewis and Clarke County, and Miss Anna Mrzlack, of Silver Bow County, as clerks for such Committee."

At 3:45 P. M., on motion of Hewett, seconded by Wilson, the House adjourned until 3 o'clock P. M., Monday, the 23rd, Instant.

.....

Speaker.

.....

Chief Clerk.

TWENTY-SECOND DAY

Monday, January 23rd, 1905.

House met pursuant to adjournment at 3 o'clock, P. M.

Mr. Speaker Pro Tem in the chair.

Prayer by the Chaplain.

Roll called and all members present except Coleman, Kennedy, MacGinnis, Stevens and Wiedeman.

Stevens and Wiedeman excused by the chair.

Journal of last session was read and approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

"Helena, Montana, Jan. 20th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of Bills were this day given as follows:

By Maddox: A Bill for an Act to amend Title 12, Chapter 14, Part 3, Article 3 of the Code of Civil Procedure, relating to the powers and duties of guardians by adding two new Sections.

Respectfully,

C. E. WIGHT, Secretary."

A petition was received from The Silver Bow Ministerial Association requesting that careful consideration be given to legislation touching the Humane work of the State.

A petition was received from various citizens of Silver Bow County requesting the passage of a Bill for an Act to repeal 'An Act to prevent wrongs to children and dumb animals, and to establish a bureau of Child and Animal Protection,' approved March 7th, 1903, and to establish a bureau of Child and Animal protection, and to provide for the appointment of a commissioner and deputy commissioners who shall have charge of said bureau, and defining their powers and duties and providing for their compensation.

Motion by Wilson that the reading of the names attached to the petitions be dispensed with. Carried.

A petition was received from various Liverymen of Silver Bow County requesting that careful consideration be given to legislation touching the Humane work of the State.

NOTICES OF BILLS.

The following notices were given:

By Huntington: A Bill for an act entitled An Act relating to the purchase of blank books, stationery and other supplies by counties.

By Mulroney: A Bill for an act to amend an Act entitled "An Act to authorize the appointment of a Commissioner for the measurement and division of water under decree of courts in certain cases," approved March 2nd, 1899.

By Patten: A Bill for an Act entitled "An act to establish a Geological survey of Montana."

By Cone: A Bill for an Act to amend Sections 3821 and 3822 and to repeal Section 3823 of the Political Code of the State of Montana, relating to the fiscal year for State and County, and to the reports of State and County Officers.

By Mumbrue: A Bill for an Act entitled An Act to amend Section 448 of the Political Code of the State of Montana, relating to the quarterly reports of the State Treasurer.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Ways and Means, reported as follows:

"Mr. Speaker: We, the Committee on Ways and Means, having had under consideration House Bill No. 55, a Bill for an Act entitled, "An Act to amend Section 541 of the Penal Code of the State of Montana, relating to the sale of intoxicating liquors," report same back to the House with the recommendation that it do pass."

On motion of Wilson, the report was adopted.

House Bill No. 55 referred to Committee on Printing.

Hilman, from the Committee on Military Affairs, reported as follows:

"Mr. Speaker: We, your Committee on Military Affairs, to whom was referred House Bill No. 10, a bill entitled "An Act to Add to part III, Title V, Chapter IV, Article IV of the Political Code of the State of Montana, relating to the Soldier's Home, an additional section designated Section 2531, relating to the employment therein of the Inmates thereof, and providing for their compensation and payment."

Beg leave to report that we have had the same under consideration and report back to the House with the recommendation that it do pass."

On motion of Mumbrue, report was adopted.

House Bill No. 10 referred to Committee on Printing.

Also:

"Mr. Speaker: We, your Committee on Military Affairs, to whom was referred House Bill No. 62, a bill for "An Act to Add to Part III, Title V, Chapter IV, of the Political Code of the State of Montana, Relating to the Soldiers' Home, an Additional Section to be Designated Section 2532, Relating to the Appointment of a Chaplain and Providing for his Compensation and Payment."

Beg leave to report that we have had the same under consideration and report back to the House with the recommendation that it do pass."

On motion of Mumbrue, report was adopted.

House Bill No. 62 was referred to Committee on Printing.

Hewett, from the Committee on Mines and Mining, reported as follows:

"Mr. Speaker: The Committee on Mines and Mining, having had under consideration House Bill No. 23, a Bill for an Act entitled, "An Act to provide for a Board to examine into the qualifications of applicants for the position of coal mine inspectors and metalliferous mine inspectors, of Montana, prescribing the duties and fixing the compensation of such examiners, and for the appointment, by the Governor, of two metalliferous miners, two coal miners, and one mining engineer, who shall constitute said Board of Examiners, and providing further for the appointment, by the Governor, of such mine inspectors from among those applicants who have passed the proper examination and filed with the Governor certificates of qualification issued by the said Board of Examiners," recommend that the same do pass with the following amendments:

In the second and third lines of the title, strike out the words "and metalliferous mine inspectors."

In the fifth line of the title strike out the words "two metalliferous miners."

In Section 1 on third line strike out the words "metalliferous miners and of the," on the fourth line strike out the word "four" and insert the word "two," and after the word "miners" on the same line strike out the words "two actively employed in metalliferous mining and two," and after the word "engineer" on line six, insert the words "who shall be recommended by a majority of the coal mine operators of the State," and in line seven strike out the word "five," and insert the word "three."

In Section two, line three, strike out the words "mine inspectors for either metalliferous or coal mines," and insert the words "inspector of coal mines."

In Section three, line one, strike out the words "mine inspectors" and insert the words "inspector of coal mines."

In Section four, lines three, four and five, strike out the words "two metalliferous miners to be inspector and deputy inspector of metalliferous mines and," and in section five, line two, insert the word "coal" after the word "of."

In Section nine, line two and three, strike out the words "the inspectors of metalliferous mines and," and the word "severally."

In section ten, last line, insert the word "coal" after the word "of."

On motion of Vandyck, the report was adopted.

House Bill No. 23 was referred to Committee on Printing.

Also:

"Mr. Speaker: Your Committee on Mines and Mining, having had under consideration House Bill No. 3, a Bill for an Act entitled "An Act to amend Sections II and IV, and to add Sections VIII and IX to Senate Bill No. 106, of the Session Laws of 1901, relating to the office of coal mine inspector, and providing penalties for the violation thereof"; and House Bill No. 47, A Bill for an Act entitled, "An Act to regulate the weighing of coal of employes engaged in mining coal at

bushel or ton rates by any mine owner, lessee or operator, or for the prevention of any contract or agreement between mine owners, lessees or operators thereof, and the miners engaged in mining coal therein, and providing penalties for any violation thereof", beg leave to report same back to the House with the recommendation that they do pass."

On motion of Lannin, report was adopted.

House Bills Nos. 3 and 47 were referred to Committee on Printing.

Brewster, from the Committee on Livestock and Public Ranges, reported as follows:

"Mr. Speaker: Your Committee on Livestock and Public Ranges report having had under consideration House Bill No. 12, a bill for an Act entitled "An Act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle," with the recommendation that it do pass."

On motion of Leiper, the report was adopted.

House Bill No. 12 was referred to the Committee on Printing.

Also:

"Mr. Speaker: Your Committee on Livestock and Public Ranges report having had under consideration House Bill No. 45, A Bill for an Act giving the owners of certain animals the right to sue persons marking, branding, killing and selling the same, and recommend that the same do not pass."

Wilson moved to adopt the report.

On substitute motion, by O'Connor, House Bill No. 45 was re-referred to the Committee on Livestock and Public Ranges.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker: We, your Committee on Printing, beg leave to report that House Bills Nos. 20, 22, 27 and 11 have been returned correctly printed."

Report adopted.

House Bills Nos. 20, 22 and 27 placed on general orders.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Hilman: H. B. No. 90: A Bill for "An Act to add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, relating to the qualifications and disabilities of electors, an additional section to be designated Section 1169, relating to the right of suffrage of deserters from the Military service of the United States and from the Military Service of the State of Montana."

READING OF HOUSE BILLS.

The following bill was taken from the file, and on motion of Bennett, was read first and second time by title only:

H. B. No. 90, read first and second time, and referred to Committee on Military Affairs.

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole for the consideration of House Bills Nos. 20, 22 and 27.

Bennett in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett, from the Committee of the Whole, reported as follows:

"Mr. Speaker: Your Committee of the Whole, having had under consideration House Bill No. 20, report same back to the House with the recommendation that the bill be re-referred to the Judiciary Committee.

Also, having had under consideration House Bill No. 22, reports same back to the House with the recommendation that the bill do pass.

Also, having had under consideration House Bill No. 27, reports same back to the House with the recommendation that the bill do pass."

On motion of Mumbrue, the report was adopted.

House Bill No. 20 was re-referred to Committee on Judiciary.

House Bills Nos. 22 and 27 were referred to Committee on Engrossment.

Mr. Speaker announced that he had excused Mr. Coleman, of Silver Bow, from today's session.

On motion by Wilson, at 4:10 P. M., the House adjourned until 10 o'clock A. M. tomorrow, the 24th Instant.

.....
Speaker.

.....
Chief Clerk.

TWENTY-THIRD DAY

Tuesday, January 24th, 1905.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present except Sullivan, of Lewis and Clarke, and Wellman.

Journal of yesterday was read and approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 23, 1905.

Hon. Wyllys A. Hedges, Speaker, and other Members of the House of Representatives:

I hereby notify you that in violation of Section 1921, Part III, Title III, Political Code, you have employed and now have in your employment the following persons: James Davies, Victor Hebert, George Wilson and William McEachren.

AMOS CALVIN,
Truant Officer, District No. 1, Lewis and Clarke County."

"Helena, Montana, January 23rd, 1905.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second time:

Senate Bill No. 23, By Ralston: A Bill for an Act entitled "An Act for the submitting to the qualified electors of the State of Montana, amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department and providing for direct legislation."

Senate Bill No. 24, By Ralston: A Bill for an Act entitled, "An Act to amend Sections 1354, 1360. 1368 and 1370 of Chapter 9, of Article 11, of Title 2, of Part 3 of the Political Code of the State of Montana, relating to ballots and voting, and providing for further protection of the voter while preparing his ballot and casting the same."

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 23rd, 1905.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that notices of introduction of Bills were given as follows:

By Maddox: A Bill for an Act to empower the Board of County Commissioners of the several counties to expend certain Moneys belonging to such counties for purposes of encouraging immigration thereto and the location of manufacturing and commercial undertakings therein and requiring them to do so under certain conditions.

By Brennen: A Bill for an Act to amend Sections 1355 and 1360 of the Political Code, relating to ballots and voting and providing further protection for the voter while preparing his ballot and casting the same.

Respectfully,
C. E. WIGHT, Secretary."

A petition was received from various citizens of Montana, petitioning for the enactment of a measure which would provide for the quarantine and inspection of all cattle brought into this state for dairy or breeding purposes.

Referred to Committee on Live Stock and Public Ranges.

NOTICES OF BILLS.

The following notices were given:

By Kennedy: A Bill for an Act to amend Section 911 of the Political Code of the State of Montana, relating to the appointment of Notaries Public.

By Wood: A Bill for an Act relating to the appraisal, sale and leasing of State Lands.

By Lanstrum: A Bill for an Act to Amend an Act to Amend Section 1920, Part III, Title III, of the Political Code of the State of Montana, as amended by an Act approved March 3rd, 1903, relating to the compulsory education of children between the ages of 8 and 16 years.

By Everett: A Bill for an Act entitled An Act to amend Section 3491, Article I, Chapter I, Title VIII, Part III, of the Political Code, relating to the re-leasing of State Lands.

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Helena, Montana, January 23, 1905.

"Mr. Speaker: We, your Committee on Engrossment, beg leave to report House Bills Nos. 25 and 26 as correctly engrossed."

Report adopted.

House Bills Nos. 25 and 26 placed on file.

Leiper, from the Committee on Privileges and Elections, reported as follows:

"Mr. Speaker: In the Matter of the Contest between T. Wesley Richardson and M. A. Wellman, both of Lewis and Clarke County, we, your Committee on Privileges and Elections, beg leave to report as follows: After a canvass of all the votes of Lewis and Clarke County, we find that there were cast for this contestant, T. Wesley Richardson, 1974 votes, and for the contestee, M. A. Wellman, 1964 votes,—thus giving this contestant, T. Wesley Richardson, a majority of ten votes.

Therefore we, your Committee, recommend that T. Wesley Richardson be given his seat in this body.

F. P. LEIPER,
Chairman of the Committee on Privileges and Elections."

On motion by Blake, the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Patten: H. B. No. 91: A Bill for an Act entitled "An Act to establish a Geological Survey of Montana."

By Mumbrue: H. B. No. 92: A Bill for an Act entitled "An Act to amend Section 448 of the Political Code of the State of Montana, relating to quarterly reports of the State Treasurer.

By Huntington: H. B. No. 93: A Bill for an Act entitled "An Act relating to the purchase of blank books, stationery and other office supplies, by counties."

MOTIONS AND RESOLUTIONS.

On motion by Mumbrue, that Pages James Davies and Victor Hebert be discharged after adjournment today; and that their places be not filled, it was so ordered.

READING OF HOUSE BILLS.

Motion, by Johnston, to read all House Bills except Appropriation Bills, by title only. Motion carried.

H. B. No. 91, read first and second time, and referred to Committee on State Institutions.

H. B. No. 93, read first and second time, and referred to Committee on Judiciary.

H. B. No. 93, read first and second time, and referred to Committee on State Boards and Officers.

THIRD READING OF HOUSE BILLS.

House Bill No. 25 was read the third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blakenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington,

Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sales, Sanden, Sanders, Selway, Sewell, Starz, Stevens, Sykes, Vandyck, Wiedeman, Wilson, Wood and Mr. Speaker—52.

Nays—Geyman, Kennedy, Lannin, Meunier, Murphy, O'Brien, Patten, Potter, Ross, Schoonover, Shannon, Sullivan, of Jefferson, Teskey, Walker and Wyman—15.

Title agreed to.

House Bill No. 26 was read the third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, MacGinnis, O'Connor, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan, of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—70.

Nays—None.

Motion by Lannin, to re-commit House Bill No. 23 to Committee on Mines and Mining. Carried.

Motion, by Leiper, that the House adjourn until 11 A. M. tomorrow, the 25th Instant.

Amendment, by Lanstrum, that the House adjourn until 2 P. M. tomorrow, the 25th insatnt.

Motion, by Lannin, to amend amendment, "that the House adjourn until 2 P. M. today."

Amendment to amend, lost. Amendment to original motion, carried.

House adjourned at 10:55 A. M.

.....

Speaker.

.....

Chief Clerk.

TWENTY-FOURTH DAY

Wednesday, January 25th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All members present except Carriher and Fairbanks.

Mr. Speaker excused Fairbanks.

Chair announced that, at 11:15 o'clock A. M. yesterday, T. Wesley Richardson was sworn in by Associate Justice Holloway.

Mr. Speaker announced the following:

"Capitol, January 25th, 1905.

House of Representatives:

Changes in Standing Committees, ordered by the Speaker.

State Lands—In place of the name of Mr. Wellman, add the names of Richardson and Kennedy.

Fish and Game—In place of the name of Mr. Wellman, add the names of Richardson and Collier.

Federal Relations—Add the names of Richardson and Reel.

Apportionment and Representation—Add the names of Richardson and Shannon.

Libraries—Add the names of Richardson and Murphy."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that

House Bill No. 32 was today read third time and concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

House Bill No. 32 referred to Enrolling Committee.

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were today introduced and read first and second time:

Senate Bill No. 25, by Maddox: A Bill for an Act entitled, "An Act to empower the Boards of County Commissioners of the several counties to expend certain money belonging to such counties according to the class thereof, for the purpose of encouraging immigration thereto, and the location of manufacturing and other commercial undertakings therein, and the settlement of the farming lands thereof, and to require them to do so under certain conditions, and designating who shall act as agents of said Boards in carrying out said purposes."

Senate Bill No. 26 by Maddox: A Bill for an Act entitled, "An Act authorizing an officer of a corporation to take oath for and on behalf of his corporation, is authorized to act as trustee, guardian, executor, administrator or fiduciary capacity, and an oath of office is required."

Senate Bill No. 27, by White: A Bill for an Act amending Section 577, Chapter IV, Title II, Part IV, Division I, of the Civil Code of the State of Montana, Relating to State Banks and Providing Penalty for false Statements, reports or entries in the Books thereof.

Senate Bill No. 28, by Brennen: A Bill for an Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, 1413, and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361 of the same Code, as amended by House Bill No. 59, of the Laws of 1901, Approved March 7th, 1901, Relating to Ballots, Voting and Election Returns and providing further protection for the voter while preparing his ballot and casting the same.

Also notices of introduction of Bills were given as follows:

By Mahon: A Joint Memorial to Congress asking for the opening of the Fort Peck Indian Reservation.

By White: A Bill to amend Section 4328 of the Political Code relating to the classification of Counties.

By Albright: A Bill to amend Section 1000 of the Civil Code of the State of Montana.

Respectfully,
C. E. WIGHT, Secretary."

"Office of the Montana State Federation of Labor.

Helena, Montana, January 24, 1905.

To the Members of the Ninth Legislative Assembly:

Gentlemen: The Montana State Federation of Labor in Convention Assembled at Hamilton in the month of August, 1904, adopted a resolution, which was unanimously carried favoring Direct Legislation, similar in enactment to the Constitutional Amendment in force in the State of Oregon.

House Bill No. 1, Being the same kind of Direct Legislation as was adopted by the State Federation is now the law asked by Organized Labor as represented by its Central Authority, the State Federation of Labor.

Any attempt to pass other Constitutional Amendments prior to passing the Initiative and Referendum as prescribed in H. B. No. 1, will be looked upon by the Federation of Labor as a mere subterfuge to defeat the demands of the Common People in their demand for Direct Legislation.

The Federation of Labor therefore asks that the Initiative and Referendum amendment, similar to the Constitutional Amendment in force in the State of Oregon, be the first Constitutional Amendment submitted to the voters at the next general election.

ALEX FAIRGRIEVE, President.
HOWARD O. SMITH, Secretary."

(Seal)

NOTICES OF BILLS.

The following notices were given:

By O'Connor: A Bill for an Act regulating, permitting and licensing gambling, prohibiting the playing of certain games, and fixing penalties for violation thereof.

By Linderman: A Bill for an Act regulating the Sale of Railroad and Railway Tickets by Conductors or Trainmen.

By Wood: A Bill for an Act entitled "An act appropriating money to the Historical and Miscellaneous Department of the State Library for the purpose of purchasing bound volumes of Newspapers, periodicals, state reports, histories, maps, medical and scientific books and works, for insurance, and for finishing the fireproof vaults used by said department.

By Coleman: A Bill entitled An Act to Create a Board of Police Commissioners in Cities of over 15000 inhabitants, for the establishment, maintenance, appointment, discipline and control of its police.

By Murray: A Bill for an Act to Amend Section 470 of the Political Code of the State of Montana as amended by Senate Bill No. 45 of the Laws of 1897. Approved March 4th, 1897, Relating to the Appointment of the State Land Agent.

By Murray: A Bill for an Act to amend Section I, of an Act entitled, "An Act to provide for an Assistant for the Register of the State Land Office; to Fix the Salary thereof and designate the Fund from which he shall be paid," approved February 24, 1899, Relating to the Appointment of Deputy Register.

By Mulroney: A Bill for an Act to amend an Act entitled, "An Act to regulate the practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this Act," Approved February 26th, 1901.

By Leiper: A Bill for an Act entitled, "An Act authorizing District Court and also the Supreme Court of the State to direct Judgment to be entered in certain cases instead of granting motion for new trial."

By Johnston: A Bill for "An Act to provide for the payment of the actual, necessary expenses of Judges of the District Court when holding Court in any County not the County residence of such Judge."

By Johnston: A Bill for "An Act to Amend Section 4050 of Article I, Chapter XIII, Title X, Part III, of the Political Code of Montana. relating to distribution of Moneys collected for Licenses."

By Walker: A Bill entitled "An Act to amend Section 4318, Chapter III, Article I, of the Political Code relating to the appointment of Deputies by County and Township Officers."

By Cone: A Bill for "An Act entitled 'An Act making it unlawful for any person to require the giving of surety bonds in Corporations not authorized to transact business in the State of Montana.'"

REPORTS OF STANDING COMMITTEES.

Helena, Montana, Jan. 25th, 1905.

Mr. Speaker:

The undersigned, a majority of the members of your Committee on Privileges and Elections, having had under consideration House Bills Nos. 1 and 2, introduced by Lanstrum and Dempster, entitled, A Bill for an Act entitled "An Act for the submitting to the qualified electors of the State of Montana, providing for an amendment of Article V, of the Constitution of the State of Montana, relating to the Legislative Department and providing for Direct Legislation," and beg to report a substitute for said Bills to be known as, Substitute for House Bills Nos. 1 and 2, introduced by the Committee on Privileges and Elections, and entitled, "A Bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Sections 1 and 20, of Article V, of the Constitution of the State of Montana, relating to the Legislative Department," and we further recommend that the same be referred to the Judiciary Committee.

F. P. LEIPER,
T. M. EVERETT,
C. L. MURRAY,
HAROLD N. BLAKE,
E. C. MULRONEY."

"Mr. Speaker.

We, a Minority of your Committee on Privileges and Elections, having had under consideration House Bill No. 1, A Bill for an Act entitled, "An Act for the submitting to qualified electors of the State of Montana, amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation." report the same back to be known as the Lanstrum and Dempster Bill and recommend that the same do pass.

Respectfully submitted,

C. LANNIN,
ANGUS TESKEY,
EMIL STARZ,
W. A. REEL."

Motion by Mumbrue, to adopt the Majority report of the Committee on Privileges and Election.

Lanstrum moved, as an amendment, that the Minority report of the Committee on Privileges and Elections be accepted.

Kennedy moved that a roll call of the House be had. Carried.

On motion by Kennedy, further proceedings on the call of the House were suspended.

Roll was called on the adoption of the Minority report; and amendment prevailed by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, MacGinnis, MacDonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan, of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—.

Nays—Bennett, Blake, Brewster, Brigham, Buck, Burt, Collier, Decker, English, Everett, Forsythe, Hewett, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—30.

Absent—Carriher, Fairbanks and Murphy.

House Bill No. 1 referred to Committee on Printing.

Wilson, from the Committee on Engrossment, reported as follows:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 22 and 27 as correctly engrossed."

House Bills Nos. 22 and 27 were placed on file for the third reading.

Sewell, from the Committee on State Boards and Officers, reported as follows:

"Mr. Speaker.

Your Committee on State Boards and Officers, to which was referred House Bill No. 31, introduced by Wiedeman, entitled "A Bill for an Act entitled an Act to repeal Chapter 126 of the laws of 1903, and to provide for the consolidation of the clerkship of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization and providing for the appointment of the clerk for said Board and affixing his compensation," having had same under consideration, report same back to the House with the recommendation that further consideration thereof be indefinitely postponed."

On motion by Johnston, the report was adopted.

House Bill No. 31 indefinitely postponed.

Also:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

Your Committee on State Boards and Officers, to which was referred House Bill No. 44, introduced by Dempster, entitled "A Bill for an Act entitled an Act to provide that the National Flag be unfurled, displayed and kept floating upon the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable Flag Staff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto," having had same under

consideration, report same back to the House with the recommendation that it do pass."

On motion by Dempster, the report was adopted.

House Bill No. 44 was referred to Committee on Printing.

Hilman, from the Committee on Military Affairs, reported as follows:

"Mr. Speaker.

We, your Committee on Military Affairs, to whom was referred House Bill No. 90, "A Bill for an Act to Add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, Relating to the Qualifications and Disabilities of Electors, an Additional Section to be Designated Section 1189, Relating to the Right of Suffrage of Deserters from the Military Service of the United States and from the Military Service of the State of Montana."

Beg leave to report back to the House with the recommendation that it do pass."

On motion by Mumbrue, the report was adopted.

House Bill No. 90 was referred to Committee on Printing.

Murray, from the Committee on Appropriations ,reported as follows:

"Mr. Speaker.

Your Committee on Appropriations having had under consideration the following deficiency claims against the State of Montana, namely:

W. W. Welch, Expense for trip to St. Paul	$ 28.00
W. W. Welch, Cash advanced for writing minutes of the State Board of Education	200.00
W. W. Welch, Cash advanced to Lizzie Murphy for clerical work in office from July 2nd, 1903, to Dec. 2nd, 1903	500.00
John Buckley, Expenses incurred in the matter of extraditing Dudley and Lewis from Canada	33.00
John Rochester, Salary as Clerk to the Board of Pardons, Equalization, Prison Commissioners and Commissioners of the Insane	100.00
Union Bank and Trust Company, Premium on Bonds of Adjutant General	12.00
D. J. Whaley, Extra work on Senate Journal	64.00
C. B. Taber, Extra work on Senate Journal	40.00

These several claims having been disallowed by the State Board of Examiners on account of not being proper charges against the State, or not having been authorized by law; your Committee after careful consideration of each and every one of said claims, recommend that the same be disallowed."

On motion by Murray, the report was adopted.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report, that House Bills Nos. 53, 87, 60, 52, and 28 have been returned correctly printed, and are ready to be placed on General Orders."

Also, House Bill No. 43, has been returned correctly printed."

Report adopted, and House Bills Nos. 53, 87, 60 and 52 and 28 were placed on general orders.

Mulroney, from the Committee on Judiciary, reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 50, "A Bill for an Act validating all railroad tickets and contracts for transportation of passengers and the unused portion of such tickets and contracts for transportation until used or redeemed, except excursion tickets and transportation sold for not more than two-thirds of the regular passenger rates, providing that such tickets and contracts for transportation and the unused portions thereof shall entitle the owners and holders thereof to full transportation for the distances and mileage contracted for by the sale of the same, and providing for liabilities, punishment and penalties for the violation of any of the terms of this Act," beg to report same back to the House with the recommendation that it do pass with the following amendments:

That the Title be amended to read as follows: "A Bill for an Act to regulate

the sales, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof, and repealing Section 982 of Chapter IV, Title VIII, Part IV, of Division I, of the Civil Code of Montana."

That Section 3 be amended to read as follows: "Any Railroad or Railway line violating any of the provisions of this Act, shall, on conviction thereof, be fined not less than One Hundred Dollars nor more than Five Hundred Dollars for each violation thereof."

That Section 5 be amended to read as follows: "Section 982, of Chapter IV, Title VIII, Part IV, of Division I, of the Civil Code of Montana, and all other Acts or parts of Acts in conflict with the provisions of this Act, be, and the same are hereby repealed."

That Section 6 be amended to read as follows:

Section 6. This Act shall take effect and be in full force from and after the First day of May, 1905."

On motion of Linderman, the report was adopted.

House Bill No. 50, with amendments, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 34, A Bill for an Act to amend Section 1653 of the Code of Civil Procedure relating to Contempts in Justice Courts," beg to report same back to the House with the recommendation that it do pass with the following amendment:

In Section 1, after the first three lines, substitute the following:

Section 1653. A Justice may punish for contempts by fine or imprisonment, or both; such fine shall not exceed One Hundred ($100.00) Dollars and such imprisonment shall not exceed one day. A Justice, when the defendant pay a fine, may also direct that he be imprisoned in the County Jail until the fine be satisfied in the proportion of one day's imprisonment for every Five Dollars of the fine.

MULRONEY, Chairman."

On motion of Murray, the report was adopted.

House Bill No. 34, with amendments, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 70, A Bill for an Act to Prevent Blacklisting of Employes, and Providing a Penalty for the Violation thereof and Providing a Civil Action for Damages," beg to report same back to the House with the recommendation that it be re-referred to the Labor Committee.

MULRONEY, Chairman."

On motion by Lannin, the report was adopted.

House Bill No. 70 was referred to Committee on Labor.

Also: "Helena, Montana, Jan. 19th, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 36, A Bill for an act entitled "An Act giving to Lessors of real estate a lien upon the crops grown upon the demised premises for the rent of said premises," beg to report same back to the House with the recommendation that it do not pass.

MULRONEY, Chairman."

Report adopted.

Also: "Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 6, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to Section 10, Article XI of the Constitution of the State of Montana, relating to the election of County Superintendent of Schools," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Leiper, the report was adopted.

Senate Bill No. 6 was placed on general orders.

Also:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 68, A Bill for an Act entitled, "An Act to amend Section 1020 of Chapter II, Title VIII, Part II, of the Code of Civil Procedure, providing for the entry of judgment upon failure to answer or to challenge the Jurisdiction of the Court," beg leave to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Bennett, the report was adopted.

House Bill No. 68 was referred to Committee on Printing.

Also:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 66, A Bill for an Act to Amend Sub-Division 5, Section 3701, of the Political Code of the State of Montana, Relating to the Assessment of Property, beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Meunier, the report was adopted.

House Bill No. 66 was referred to Committee on Printing.

Also:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 42, A Bill for an Act entitled, "An Act to amend Section 2000 of the Political Code of the State of Montana, relative to the School Library Fund and permitting the use of such Fund for the payment of current expenses of the Schools," beg to report same back to the House with the recommendation that it be printed.

MULRONEY, Chairman."

On motion by Sanden, the report was adopted.

House Bill No. 42 was referred to Committee on Printing.

Also:

"Helena, Montana, Jan. 24, 1905.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill 54, A Bill for an Act entitled, "An Act amending Section 3695 of the Political Code of the State of Montana, relating to the taxation of private bankers, brokers, or dealers in stock," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Bennett, the report was adopted.

House Bill No. 54 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Lanstrum: H. B. No. 94, A Bill for an Act to amend Section 1920, Part III, Title III, of the Political Code of the State of Montana, as amended, by an Act approved March 3rd, 1903, relating to the compulsory education of children between the ages of 8 and 16 years."

By Kennedy: H. B. No. 95, A Bill for "An Act to amend Section 911 of the Political Code of the State of Montana, relating to the appointment of Notaries Public."

By Mulroney: H. B. No. 96, A Bill for an Act to authorize the appointment of a Commissioner for the measurement and division of water under decree of Court in certain cases, approved March 2nd, 1899.

By Cone: H. B. No. 97, A Bill for "An Act to amend Sections 3821 and 3822, and to repeal Section 3823 of the Political Code of the State of Montana, relating to the fiscal year for the State and County and to the reports of State and County Officers."

By Wood: H. B. No. 98, A Bill for an Act to amend Section 3494 of an Act entitled "An Act relating to the appraisal, sale and leasing of State Lands, re-

pealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting therefor certain Sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507," passed by the Sixth Legislative Assembly and approved March 1st, 1899.

By Everett: H. B. No. 99, A Bill for an act entitled, "An Act to amend Section 3491, Article I, Chapter I, Title VIII, Part III, of the Political Code, relating to the releasing of State Lands."

By Quigley: H. B. No. 100, A Bill for an Act to abolish the Offices of State Game and Fish Warden and Deputy State Game and Fish Wardens, and to impose the duties of such Officers upon the Sheriffs and their Deputies in the several Counties of this State."

READING OF HOUSE BILLS.

The following bills were taken from the file:

Lanstrum moved that all House Bills, except Appropriation Bills, be read first and second time by title only. Carried.

H. B. No. 94, read first and second time, and referred to Committee on Education.

H. B. No. 95, read first and second time, and referred to Committee on Judiciary.

H. B. No. 96, read first and second time, and referred to Committee on Irrigation and Water Rights.

H. B. No. 97, read first and second time, and referred to Committee on Judiciary.

H. B. No. 98, read first and second time, and referred to Committee on State Lands.

H. B. No. 99, read first and second time, and referred to Committee on State Lands.

H. B. No. 100, read first and second time, and referred to Committee on Fish and Game.

THIRD READING OF HOUSE BILLS.

House Bill No. 22 was read the third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach. Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Nayes—None.

Title agreed to.

On motion of Johnston, the third reading of House Bill No. 27 was deferred at that time.

GENERAL ORDERS.

On motion by Wyman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 28, 52 and 53.

Johnston in the chair.

House resumed.

Mr. Speaker in the chair.

Motion, by Linderman, that when the House adjourn, it adjourn until 2 P. M. tomorrow, the 26th Instant. Motion carried.

Johnston, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 28, introduced by Johnston, "A Bill for an Act entitled 'An Act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure relating to exemptions and restricting the right to claim certain exemptions to

married persons and to persons who are heads of families," report same back to the House with the recommendation that the bill do pass with the following amendments:

Amend Section 2, after Subdivision 5, by inserting the following: "to a civil, mining or mechanical engineer, instruments, tools, books and records necessary to carry on his profession."

Amend Section 2, Line 46, by striking out the words "residing in this state."

Amend Section 2, subdivision 5, by inserting the following: "To a chemist or assayer, the tools, instruments and supplies necessary to carry on his profession."

Amend Section 2, Line 21, by adding "set of sleds" after the word "wagon."

Amend Section 2, Line 23, by striking out "at any time within six months" and inserting "the following spring."

JOHNSTON, Chairman."

On motion by Johnston, the report was adopted.

House Bill No. 28 was referred to Committee on Engrossment.

The following was read:

"Mr. Speaker:

In view of the fact that the Committee on Judiciary has an important meeting,, I move you that the members of that Committee be excused forthwith.

The Whipple Senate Bill No. 1, relating to the semi-annual payment of taxes is to be considered and all persons interested therein are requested to meet the Committee at its room.

MULRONEY, Chairman."

Motion carried.

On motion of Bennett, at 5:10 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

TWENTY-FIFTH DAY

Thursday, January 26, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present except Ross.

Mr. Speaker excused Ross.

Minutes of yesterday were read and approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Mont., Jan. 25, 1905.

Hon. W. R. Hedges, Speaker of the House, Helena, Montana:

Sir:

We shall be pleased to furnish our daily weather map, (copy inclosed) and a frame for displaying same in the lobby of the House, if desired.

The map can be mailed each day, but would not be delivered until afternoon, but if called for by a messenger it could be posted about 11 A. M.

Very respectfully,

R. F. YOUNG, Section Director, Weather Bureau."

On motion by Bennett, the offer of the Weather Bureau was accepted and the Bureau asked to mail the reports.

"Helena, Mont., Jan. 25, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Notices of introduction of Bills were this day given as follows:

By McLean: A Bill to regulate the issuance of licenses to retail liquor dealers in Cities, Towns and Villages or Camps containing a population of less than One Hundred.

By Glidden: A Bill for an Act to amend Section 602 of the Political Code of Montana, relating to examination of applicants for certificates to practice medicine in this State.

By Glidden: A Bill for an Act to amend Section I, Chapter 67, Session Laws of 1903, of the State of Montana, relative to the appointment of five persons who shall constitute a County Agricultural Fair Commission.

By Harper: A Bill for an Act to amend Section 5039 of the Political Code of the State of Montana, relating to the establishment and maintenance of Free Public Libraries.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Mont., Jan. 25, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were this day introduced and read first and second time.

Senate Bill No. 29, by Donlan:

A Bill for an Act to regulate Common Carriers within this State, and creating a Railroad Commission and defining the duties of such Commission.

Senate Bill No. 30, by Albright: A Bill for an Act entitled, "An Act to amend Section 1000 of the Civil Code of the State of Montana."

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Mont., Jan. 25, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Senate Bills Nos. 3, 5, 11, 13, 17 and 19 were today read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Bennett: An Act to Amend Section 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed County Officers.

By Murphy: A Bill entitled "An Act to amend Section 1273 of Chapter V, Title II, Part III, of the Political Code of Montana, relating to printing instructions to the electors by the County Clerk and Recorders.

By Buck: A Bill for an Act entitled, "An Act to repeal House Bill No. 147 of the Laws of 1901 entitled "an act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy State Game and Fish Wardens, and Special Deputy State Game and Fish Wardens and defining their powers and duties and providing for their compensation," approved March 18th, 1901; as amended by Chapter XXXVIII of the Laws of 1903; and to provide for the appointment of a State Game and Fish Warden, to make Sheriffs, Under Sheriffs, deputy sheriffs and constables ex-officio special deputy game and fish wardens and defining their powers and duties and providing for their compensation."

By Wilson: A Bill for an Act to Amend Sections 11 and 17 of Article III, of an Act of the Eighth Legislative Assembly of the State of Montana, An Act entitled, An Act for the Establishment of a Uniform System of Road Government and Administration in the Counties of the State of Montana.

By Collier: A Bill for an Act to regulate the Hours of labor of locomotive engineers, locomotive firemen and train men, and to provide a penalty for the violation thereof.

By Johnston: A Bill for "An Act to amend Section 37 of Chapter IV, Title I, Part I of the Code of Civil Procedure of Montana, and providing compensation for Pro Tempore Judges of the District Court."

By Johnston: A Bill for "An Act to amend Section 11, Article III, Chapter XLIV, of the Laws of 1903, relating to special road taxes."

By Starz: A Bill regulating the publication of the reports of State Officers.

REPORTS OF STANDING COMMITTEES.

Bennett, from the Committee on Ways and Means, reported as follows:

Mr. Speaker:

We, the Committee on Ways and Means, having had under consideration House Bill No. 51, entitled "A Bill for an Act to amend Section 4036 of the Political Code of the State of Montana, relating to liquor licenses as said section is now in force after amendment by an Act approved March 4, 1901," hereby refer same back to the House with the recommendation that it do not pass, for the reason that this Committee has in contemplation submission of a measure regulating the liquor license law and amending Section 4063 of the Political Code of the State of Montana."

On motion by Bennett, the report was adopted.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 12 has been returned correctly printed."

House Bill No. 12 was placed on General Orders.

Leiper, from the Committee on Privileges and Elections, reported as follows:

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 73, introduced by Coleman, A Bill for an Act entitled "An Act to enable counties, cities, towns and school districts, of the State of Montana, to use automatic ballot machines at all elections therein," do recommend that the same be re-referred to the Judiciary Committee.

On motion by Lannin, the report was adopted.

House Bill No. 73 was referred to Committee on Judiciary.

Hewett, from the Committee on Mines and Mining, reported as follows:

"Mr. Speaker:

Your Committee on Mines and Mining to whom House Bill No. 23, introduced by Williams, was re-referred, beg leave to report that the committee herewith returns a substitute Bill for House Bill No. 23, with the recommendation that it do pass; said substitute Bill provides for,

A Bill for an act entitled "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribing the rights and duties and fixing the compensation of such Board of Examiners and the manner of appointing said Coal Mine Inspector of the State of Montana."

On motion by Shannon, the report was adopted.

Substitute Bill was referred to Committee on Printing.

Fairbanks, from the Committee on Federal Relations, reported as follows:

"Mr. Speaker:

Your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 1, beg to report same back to the House with the recommendation that it be concurred in."

On motion of Kennedy, the report was adopted and Senate Joint Resolution No. 1 was placed on General Orders.

Wiedeman from the Committee on Townships and Counties, reported as follows:

"Helena, Montana, Jan. 25, 1905.

Mr. Speaker:

Your Committee on Townships and Counties, having had under consideration House Bill No. 56, A Bill to Create the County of Paradise, designate its boundaries and Provide for its Organization and Government, beg leave to report same back to the House with the following amendment:

Amend Section 1 by striking out the words "thence due south to the summit of the range of mountains commonly called the Coeur d'Alene Mountains, said mountains dividing the waters of Missoula River and those of Pend d'Oreille River; thence westerly along the summit of said mountains to the boundary line between the State of Montana and the State of Idaho," and inserting therein the words,

"Thence southerly to a point one mile East of the Southeast corner of the Northern Pacific depot in the Town of Dixon, where the said County line crosses

the Northern Pacific Railway track; thence, due South to the summit of the range of Mountains commonly called the Coeur d'Alene, said mountain dividing the waters of the Missoula and Pend d'Oreille Rivers; thence Westerly along said summit of the Coeur d'Alene Mountains, to a point where said summit crosses the Township line between Townships 17 and 18 North; thence west along said Township line to the Southwest corner of Township 18 North, Range 26 West; thence North on said line between Ranges 26 and 27 to the summit of the Coeur d'Alene Mountains; thence Westerly along the summit of said Coeur d'Alene Mountains to the boundary line between the State of Montana and the State of Idaho," and we recommend that the Bill as amended do pass."

On motion by Lanstrum the report was adopted.

House Bill No. 56, as amended, was referred to Committee on Printing.

Mulroney, from the Committee on Judiciary, reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill 20, A Bill for an Act entitled, "An Act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana, Relating to Officers and Election of Officers in cities of the first class," beg leave to report same back to the House with the recommendation that it do pass, as previously amended, and also amended as follows:

Section 2. That Section No. 4748 of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 4748. On the first Monday of April of each year a municipal election must be held, at which the qualified electors of each town or city must elect one alderman from each ward, to be voted for by the wards they respectively represent; biennially, at such election the qualified electors of such city or town, must elect a Mayor, who shall hold office for two years and until his successor is elected and qualified; and also, in cities of the first class, one police judge, one city treasurer, who may be ex-officio tax collector, one city attorney, one city clerk, one street commissioner, one city surveyor, one city physician; and in cities of the second and third class, a police judge and a city treasurer. The officers to be elected under this section shall hold office for the period of two years, and until their successors are elected and qualified."

On motion by Shannon, report was adopted.

House Bill No. 20, with amendments, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Joint Concurrent Resolution No. 3, "Requesting Senators and Representatives in Congress, to support the Hearst Interstate Commerce Bill," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Wyman, report was adopted.

House Joint Concurrent Resolution No. 3 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 89, A Bill for an Act entitled, "An Act to amend Section 1054 of the Penal Code, by adding thereto a sub-division relating to trespass on vacant buildings," beg to report same back to the House with the recommendation that it do pass as amended, as follows:

That the Title to said Bill be amended by inserting after the word "Code" in line one, of the Title the following words: "As amended by Chapter LXIV of the Laws of 1903;" by inserting after the word "Montana," in line three of the enacting clause, the following words and figures: "As amended by Chapter LXIV of the Laws of 1903;"

Also, by inserting after the Enacting clause the words and figures, "Section I."

On motion by Sewell, the report was adopted.

House Bill No. 89, as amended, was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 71, A Bill for an Act entitled, "An Act to amend Section 1210 of the Political Code of Montana, as amended by Senate Bill No. 57 of the Laws of 1897, and to repeal Section 1217 of the Political Code of Montana," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Shannon, report was adopted.

House Bill No. 71 referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 80, "A Bill for an Act to amend Article III, Chapter I, Title X, Part II, of the Penal Code of Montana by adding thereto, a Section numbered 2367, and relating to the duties of the Clerk of the District Court in approving bail offered for persons indicted or against whom an information has been filed," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Sales, report was adopted.

House Bill No. 80, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 75, "A Bill for an Act to correct the spelling of the name 'Lewis and Clarke County,'" beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion of Starz, report was adopted.

House Bill No. 75 referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 17, "A Bill for an Act to provide for the formation of Cemetery Associations, to define their powers and duties, and provide for their management and control," beg to report same back to the House with the recommendation that it be printed.

MULRONEY, Chairman."

Macdonald moved that the report of the Committee on Judiciary, with reference to House Bill No. 17, be laid on the table, and that the said bill be held until the receipt, by the House, of Senate Bill No. 3, when both shall be referred to the same Committee.

Motion carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Mulroney: H. B. No. 101, A Bill for an Act to amend an Act, entitled "An Act to Regulate the Practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this Act," Approved February 26th, 1901.

By O'Connor: H. B. No. 102, A Bill for an act regulating, permitting and licensing gambling, prohibiting the playing of certain games and fixing penalties for violations thereof.

By Cone: H. B. No. 103, A Bill for An Act entitled "An Act making it unlawful for any person to require the giving of surety bonds in corporations not authorized to transact business in the State of Montana."

By Starz: H. B. No. 104, A Bill for an Act to repeal Section 4072 of the Political Code of the State of Montana, relating to licenses on Professional Men.

By Williams: H. B. No. 105, A Bill for an Act entitled "An Act to amend Sections 552, 553, 560, 563, 566 and 567 of Article 15, of Chapter 3, of the Political Code of the State of Montana, relating to the inspector of boilers, and to add thereto a new section to be known and numbered Section 570."

By Johnston: H. B. No. 106, A Bill for "An Act to provide for the payment of the actual, necessary expenses of Judges of the District Court when holding Court in any County not the County of residence of such Judge."

By Wood: H. B. No. 107, A Bill for An Act appropriating money to the Historical and Miscellaneous Department of the State Library for the purpose of purchasing bound volumes of newspapers, periodicals, state reports, Histories, maps, medical and scientific books and works, for insurance, and for finishing the fire-proof vaults used by said Department.

By Murray: H. B. No. 108, A Bill for An Act to amend Section 1, of an Act entitled, "An Act to provide for an assistant for the Register of the State Land Office; to fix the salary thereof and designate the Fund from which he shall be paid," approved February 24th, 1899, relating to the appointment of Deputy Register.

By Murray: H. B. No. 109, A Bill for An Act to amend Section 470 of the Political Code of the State of Montana, as amended by Senate Bill No. 45 of the Laws of 1897, approved March 4th, 1897, relating to the appointment of the State Land Agent.

By Wilson: H. B. No. 110, A Bill for an Act entitled "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State for Damages sustained by employes thereof, and to declare void contracts restricting Liability."

By Wilson: H. B. No. 111, A Bill for an Act entitled "An Act for the protection of the Health of men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or in any works where ores are mined or reduced, by regulating their hours of employment and providing penalties for the violation thereof."

By Johnston: H. B. No. 112, A Bill for an Act to amend Section 4050 of Article I, Chapter VIII, Title X, Part III, of the Political Code of Montana, relating to distribution of moneys collected for licenses."

MOTIONS AND RESOLUTIONS.

Motion, by Leiper, that the substitute for House Bills Nos. 1 and 2, as reported by the majority of the Committee on Privileges, be ordered printed. Motion carried and it was so ordered.

On motion of Blake, it was ordered that all Initiative and Referendum Bills now introduced in the House, be made a special order of business for 2:30 P. M. Tuesday next.

READING OF SENATE AND HOUSE BILLS.

Motion, by Kennedy, that all bills, except Appropriation Bills, be read first and second time by title only. Motion carried.

The following bills were taken from the file:

S. B. No. 3, read first and second time, and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 5, read first and second time, and referred to Committee on Judiciary.

S. B. No. 11, read first and second time, and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 13, read first and second time, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 17, read first and second time, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 19, read first and second time, and referred to Committee on Judiciary.

H. B. No. 101, read first and second time, and referred to Committee on Judiciary.

H. B. No. 102, read first and second time, and, on motion by O'Connor, was referred to the Committee on Appropriations.

H. B. No. 103, read first and second time, and referred to Committee on Judiciary.

H. B. No. 104, read first and second time, and referred to Committee on Ways and Means.

H. B. No. 105, read first and second time, and by request of Kennedy, was referred to Committee on State Boards and Officers.

H. B. No. 106, read first and second time, and referred to Committee on Judiciary.

H. B. No. 107, read first and second time, and referred to Committee on Appropriations.

H. B. No. 108, read first and second time, and referred to Committee on Judiciary.

H. B. No. 109, read first and second time, and referred to Committee on Judiciary.

H. B. No. 110, read first and second time and referred to Committee on Labor.

H. B. No. 111, read first and second time, and referred to Committee on Labor.

H. B. No. 112, read first and second time, and referred to Committee on Judiciary.

H. B. No. 17, was referred to Committee on State Institutions, Public Buildings and Grounds.

On motion by Wilson, House referred back to Order of Business No. 4.

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 28 as correctly engrossed."

House Bill No. 28 was placed on file for third reading.

MESSAGE FROM THE SENATE.

The following was received:

"Helena, Montana, Jan. 25, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were today introduced and read first and second time:

Senate Bill No. 31, by White: An Act to amend Section 4328 of the Political Code of the State of Montana, relating to the Classification of Counties.

Senate Bill No. 32, by McLean: A Bill for an Act entitled "An Act to regulate the issuance of Licenses to Retail Liquor Dealers in Cities, Towns, Villages or Camps containing a population of less than One Hundred."

Respectfully,

C. E. WIGHT, Secretary."

THIRD READING OF HOUSE BILLS.

On motion of Johnston, the third reading of House Bill No. 27 was postponed until next Wednesday.

House Bill No. 28 was read third time.

Shannon moved that the Enacting Clause be stricken out. Motion lost.

House Bill No. 28 was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Schoonover, Sewell, Starz, Stevens, Sullivan, of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—56.

Nays—Bembrick, Coleman, Dempster, Harrington, Hilman, Kennedy, Murphy, O'Brien, Potter, Sanders, Shannon, Sullivan, of Jefferson, and Wyman—13.

Absent and not voting—Ross, Selway and Teskey—3.

Title agreed to.

GENERAL ORDERS.

Mr. Speaker announced that Senate Joint Memorial No. 1, had been considered and placed on general orders.

On motion of Johnston, the House resolved itself into a Committee of the Whole for the consideration of Senate Joint Memorial No. 1, Senate Bill No. 6, and House Bill No. 12.

Sales in the chair.

House resumed.

Mr. Speaker in the chair.

Sales, from the Committee of the Whole, reported as follows:

"Mr. Speaker: Your Committee of the Whole, having had under consideration Senate Joint Memorial No. 1, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 6, Introduced by Mahon, A Bill for an Act entitled "An Act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to Section 10 of Article XI of the Constitution of the State of Montana, relating to the election of County Superintendent of Schools," reports same back to the House with the recommendation that the Enacting Clause be stricken out.

Also having had under consideration House Bill No. 12, Introduced by O'Connor, A Bill for an Act entitled "An Act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle," report same back to the House with the recommendation that the bill do pass with the following amendments:

Amend Section 3, Line 34, by inserting the word "thirty" before the word "days".

Amend Section 7, line 79, by striking out the words "which record shall be deemed to impart notice of such lien", and insert in lieu thereof the words, "A certified copy of such record shall be filed in the office of the County Clerk where such owner resides, or where such live stock are, if the owner does not reside in the State of Montana, which shall be deemed to impart notice of such lien. No such lien shall be effective until such certified copy is so filed."

On motion of Sanden, report was adopted.

Senate Joint Memorial No. 1 and House Bill No. 12 were referred to the Committee on Engrossment.

On motion, by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 87, 53 and 60.

Sales in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett moved that, when the House adjourn, it adjourn until 2 P. M. tomorrow.

Substitute motion by Sales, that when the House adjourn, it adjourn until 10 A. M., tomorrow.

Substitute motion lost. Original motion carried.

Sales, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 87, Introduced by Committee on Appropriations, A Bill for an Act appropriating money for the payment of the claim of Conley & McTague for the care of prisoners at the State Penitentiary at Deer Lodge, report same back to the House with the recommendation that the bill do pass.

Also, having had under consideration House Bill No. 53, Introduced by Brigham, A Bill for an Act entitled "An Act to amend Sections 471 and 473 of the Penal Code of the State of Montana, relating to abandonment and neglect of children", reports same back to the House with the recommendation that the bill do pass with the following amendment:

Amend Section 1, line 5, by striking out the words "is punishable" and inserting in lieu thereof "shall be punished."

Also having had under consideration House Bill No. 60, Introduced by Johnston, A Bill for an Act entitled An Act to amend Section 3869 of Article III, Chapter II, Title XIV, Part IV, Division III, of the Civil Code of Montana, permitting mortgaged personal property to be attached and levied upon without first paying the mortgage debt, report same back to the House with the recommendation that the Bill do pass."

On motion by Sales, report was adopted.

House Bills Nos. 87, 53 and 60 were referred to the Committee on Engrossment.

On motion by Kennedy, Senate Joint Memorial No. 1 was considered correctly engrossed and placed upon its final passage.

Senate Joint Memorial No. 1 was read third time and concurred in by the following vote:

Ayes: Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—70.

Absent and not voting—Linderman and Ross—2.

Title agreed to.

On motion by Dempster, at 4:35 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

TWENTY-SIXTH DAY

Friday, January 27, 1905.

House met pursuant to adjournment at 2 o'clock, P. M.

Mr. Speaker in the chair.

Prayer by the Rev. J. F. McNamee of the Senate.

Roll called and all members found present.

Journal of yesterday was read and approved.

House Bill No. 104, which was referred to Committee on Ways and Means, was today re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Cone, from the Committee on Enrollment, reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bill as correctly enrolled, this 27th day of January, 1905.

House Bill No. 32. "An Act to Authorize the Trustees of School Districts to repay Moneys Borrowed and Used by such Trustees for Maintenance of Schools Therein, and to Levy and Collect a Tax upon all the Taxable Property in such Districts Therefor, as such Trustee shall deem Advisable," approved February 19, 1901."

Report accepted.

Mr. Speaker announced that he was about to sign House Bill No. 32.

Mr. Speaker signed House Bill No. 32 in the presence of the House.

NOTICES OF BILLS.

The following notices were given:

By Wood: A Bill for an Act entitled "An Act to amend Chapter 32 of the Laws of 1903, entitled an Act to amend Section 451 of the Civil Code relating to annual reports of corporations."

By Blake: A Bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas and the issuance of temporary State certificates.

By Murphy: A Bill for an Act entitled "An Act to provide compensation for Police Judges in criminal actions in Counties of the first and second class."

REPORTS OF STANDING COMMITTEES.

Starz, from the Committee on Sanitary Affairs, reported as follows:

"Mr. Speaker:

We, your committee on Sanitary Affairs, to which was referred House Joint Resolution No. 2, introduced by Starz, providing for the appointment of a commission to examine into and report upon an adequate water supply for the

State Capitol and Grounds, report back to the House with the recommendation that it be referred to the committee on State Institutions and Public Grounds."

Report adopted.

House Joint Resolution No. 2 was referred to Committee on State Institutions, Public Buildings and Grounds.

Also:

"Mr. Speaker:

We, your committee on Sanitary Affairs, to which was referred House Bill No. 35, introduced by Murray, entitled "A Bill for an Act entitled An Act to authorize and empower cities and towns to establish, maintain and regulate public bathing places," having had same under consideration, report same back to the House with the recommendation that it do pass."

On motion by Sales, report was adopted.

House Bill No. 35 referred to Committee on Printing.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 47, 10, 7, 55, 62, have been returned correctly printed and are ready to be placed on general orders; also that House Bill No. 86, and cards containing changes in Standing Committees have been returned correctly printed."

Report received by Speaker.

House Bills Nos. 47, 10, 7, 55 and 62 were placed on general orders.

English, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

"Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 3, A Bill for, "An Act to provide for the Formation of Cemetery Associations to Define their Powers and Duties, and Provide for their Management and Control," Report the same back to the House with the recommendation that it be concurred in."

Sales moved to adopt report.

Substitute motion, by Coleman, that Senate Bill No. 3 be re-referred to Committee on State Institutions, Public Buildings and Grounds.

Original motion lost. Substitute motion carried.

Senate Bill No. 3 was re-referred to Committee on State Institutions, Public Buildings and Grounds.

Also:

"Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 91, A Bill for, "An Act entitled, "An Act to ESTABLISH A GEOLOGICAL SURVEY OF MONTANA", report the same back to the House with the recommendation that the same be printed."

On motion by Patten, report adopted.

House Bill No. 91, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 11, A Bill for, "An Act to enable the Normal School Land Grant to be further utilized in providing Additional Buildings and Equipment for the Montana State Normal College." We beg to report the same back to the House with the recommendation that it be concurred in."

On motion by Sales, report adopted.

Senate Bill No. 11 was placed on general orders.

Lanstrum, from the Committee on Railroads and Transportation, reported as follows:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, to whom was referred House Bill No. 78, "A Bill for an Act entitled, "An Act to punish disorderly conduct on trains and to empower train conductors to make arrests in certain cases." Beg leave to report the same back to the House with the following amendment, "That after the word 'dollars' in line 10 of Section 1, that the words

'and costs of prosecution' be stricken out, and recommend that same do pass as amended."

On motion by Lanstrum, report adopted.

House Bill No. 78, with amendments, referred to Committee on Printing.

Mulroney, from the Committee on Judiciary, reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 73, A Bill for an Act entitled, "An Act to enable Counties, Cities, Towns, and School Districts of the State of Montana, to use Automatic Ballot Machines at all elections therein," beg to report same back to the House with the recommendation that it do pass as amended, by adding Section 7, as follows:

Section 7. This Act shall be in full force and effect from and after its passage and approval."

On motion by Mumbrue, report adopted.

House Bill No. 73, with amendments, referred to Committee on Printing.

Mumbrue, from the Committee on Irrigation and Water Rights, reported as follows:

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 96, A Bill for an Act to amend an "Act to Authorize the Appointment of a Commissioner for the Measurement and Division of Water under decree of court in certain cases," respectfully report the same back to the House with the recommendation that it do pass."

On motion by Mumbrue, report adopted.

House Bill No. 96, referred to Committee on Printing.

Starz, from the Committee on Sanitary Affairs, reported as follows:

"Mr. Speaker:

We, your Committee on Sanitary Affairs, to which was referred House Bill No. 30, introduced by Starz, entitled "A Bill for an Act entitled an Act to regulate the sale of poisonous substances and requiring the keeping of a register of such sales", having had same under consideration report same back to the House with the recommendation that it do pass with the following amendment: Add in Section No. 1, line 44, after the word poison, the following words: "Provided, nothing in this act shall be so construed as to prevent the sale of such poisonous articles as are directly used in mining or for the reduction or concentration of ores."

On motion by Bennett, report adopted.

House Bill No. 30, with amendment, referred to Committee on Printing.

Potter, from the Committee on Mileage and Per Diem, reported as follows:

"Helena, Montana, Jan. 26th, 1905.

"Mr. Speaker:

Your Committee on Mileage whose duty it is to ascertain the number of miles traveled by Members of the House of Representatives to and returning from the Capitol, together with the amounts due said members, beg leave to report as follows:

T. Wesley Richardson, to Capitol and Return, 12 miles, $1.20."

Potter moved to adopt.

Report adopted and placed on file.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Murray, by request: H. B. No. 113. A Bill for an Act Entitled, "An Act Levying a Special School Tax on all Male Inhabitants over the age of 21 and under the age of 50, for General School purposes.

By Walker: H. B. No. 114. A Bill for An Act entitled, "An Act amending Section 1961 of the Political Code of the State of Montana, relating to Issuance of School Bonds."

By Coleman: H. B. No. 115. A Bill for an Act entitled "An Act to Compel the filing of all instruments of assignment sale or transfer of wages or salaries, and giving notice of the assignment, sale or transfer."

By Shannon: H. B. No. 116. A Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly by corporations and other employers

of Labor, in cities having a population of 5,000 and over, and with a radius of three miles thereof, and providing a penalty for the violation thereof."

By Coleman: H. B. No. 17. A Bill for an Act entitled, "An Act to create a Board of Police Commissioners in Cities having more than Fifteen Thousand Inhabitants; defining their powers and duties, and fixing the terms of Office and the Compensation of same."

By Bennett: H. B. No. 118. A Bill for an Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers.

By Leiper: H. B. No. 119. A Bill for an Act entitled "An Act authorizing District Courts also the Supreme Court of the State to direct Judgment to be entered in certain cases, instead of granting a motion for new trial."

By Buck: H. B. No. 120. A Bill for An Act to repeal House Bill No. 147 of the Laws of 1901 entitled, "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy State Game and Fish Wardens and Special Deputy State Game and Fish Wardens and defining their powers and duties and providing for their compensation." Approved March 18th, 1901, as amended by Chapter XXXVIII of the Laws of 1903; and to provide for the appointment of a State Game and Fish Warden, to make sheriffs, undersheriffs, deputy sheriffs and constables ex-officio special deputy game and fish wardens and defining their powers and duties and providing for their compensation.

By Murphy: H. B. No. 121. A Bill for an Act entitled "An Act to amend Section 1273, of Chapter V, Title II, Part III, of the Political Code of the State of Montana, relating to printing instructions for the guidance of electors by the County Clerk of each County."

By Johnston: H. B. No. 122. A Bill for "An Act to amend Section XXXVII, of Chapter IV, Title I, Part I, of the Code of Civil Procedure of Montana, and providing compensation for Pro Tempore Judges of the District Court."

By Johnston: H. B. No. 123. A Bill for An Act to Amend Section 11, Article III, Chapter XLIV, of the Laws of 1903, relating to Special Road Taxes.

By Wilson: H. B. No. 124. A Bill for an Act entitled An Act to amend Sections 11 and 17 of Article III of an Act of the Eighth Legislative Assembly of the State of Montana, entitled "An Act entitled, An Act for the Establishment of a uniform system of road government and administration in the Counties of the State of Montana, and to provide for the Levy, Collection and Disposition of Road Tax, and Providing Penalties for the violation of the provisions of this Act; and to repeal an Act known as "House Bill No. 280", of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the Levy, Collection and Disposition of Road Taxes," approved March 4th, 1897; and to repeal an Act known as "House Substitute for Senate Bill No. 38", of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled, "An Act to repeal Sections 2640, 2642, 2643 and 2680 as amended, of House Bill No. 280 of the Fifth Legislative Assembly of Montana relating to the Levy, Collection and Disposition of Road Tax, and to provide for the collection of a special Road Tax," approved March 3rd, 1899; and to repeal Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the establishment for a uniform system of Road Government and Administration in the Counties of Montana." Approved March 16th, 1901; and to repeal Section 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848 and 2849 of the Political Code of the State of Montana, Approved March 2nd, 1903.

MOTIONS AND RESOLUTIONS.

Johnston moved that the House reconsider the motion to strike out the enacting clause of Senate Bill No. 6.

Shannon moved to table Johnston's motion.

Motion to table carried. Motion by Johnston tabled.

Kennedy moved, "that whenever, hereafter a meeting of any of the Standing Committees of the House is called, it shall be the duty of the Chief Clerk to serve upon each member of such Committee a written notice, giving notice as to the time and place of such meeting; unless the Chairman of such Standing Committee shall serve upon each member, personally, such notice."

Bennett moved to insert, in Kennedy's motion. after the words, "each member", the words "in the House." Motion to amend, carried.

Lanstrum moved, as an amendment to the original motion, that the Sergeant-at-Arms procure a blackboard and that the Chief Clerk write upon it the name. hour and place of meeting of all Committee meetings called.

Amendment carried. Original motion, as amended, prevailed.

On motion by Wilson, the House referred back to Order of Business No. 4.

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 87, 53, 60 and 12 as correctly engrossed."

Report placed on file.

House Bills Nos. 87. 53, 60 and 12 placed on file for third reading.

READING OF HOUSE BILLS.

Lanstrum moved that all Bills, except Appropriation Bills, be read first and second time, by title only. Carried.

The following bills were taken from the file:

H. B. No. 113, read first and second time, and referred to Committee on Judiciary.

H. B. No. 114, read first and second time, and referred to Committee on Judiciary.

H. B. No. 115, read first and second time, and referred to Committee on Judiciary.

H. B. No. 116, read first and second time, and referred to Committee on Labor.

H. B. No. 117, read first and second time, and referred to Committee on Judiciary.

H. B. No. 118, read first and second time, and referred to Committee on Ways and Means.

H. B. No. 119, read first and second time, and referred to Committee on Judiciary.

H. B. No. 120, read first and second time, and referred to Committee on Fish and Game.

H. B. No. 121. read first and second time, and referred to Committee on Privileges and Elections.

H. B. No. 122, read first and second time, and referred to Committee on Judiciary.

H. B. No. 123, read first and second time, and referred to Committee on Highways.

H. B. No. 124, read first and second time, and referred to Committee on Highways.

Blake moved, that when the House adjourn it adjourn until 10 A. M. tomorrow.

Lanstrum moved, as an amendment, that when the House adjourn, it adjourn until 2 P. M. Monday.

Amendment carried.

THIRD READING OF HOUSE BILLS.

House Bill No. 87 was read third time, and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English,

Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—66.

Noes—None.

Absent or not voting—Dempster, Fairbanks, Meunier, Starz, Vandyck and Wilson—6.

Title agreed to.

House Bill No. 12 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—67.

Nays—None.

Absent or not voting—Bembrick, Burt, Carriher, Ross and Walker—5.

Title agreed to.

House Bill No. 53 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Nays—None.

Absent or not voting—Leiper, Meunier, O'Connor and Walker—4.

Title agreed to.

On motion, by Lanstrum, the rules were suspended and House Bill No. 60 was read third time by title only.

Sales moved to strike out the enacting clause of House Bill No. 60.

On division of the House, motion carried, Ayes, 54; Nays, 6.

On motion, by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 7, 10, and Senate Bill No. 11.

Murray in the chair.

House resumed.

Mr. Speaker in the chair.

Murray, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 7, introduced by Lanstrum, A Bill for an Act entitled "An Act to establish a State Board of Health, County Boards of Health, Providing for the Establishment of Boards of Health in Towns and Cities, Defining the Powers and Duties of each, providing for the Compensation of the Members and Officers of each, providing for the enforcement of the Rules and Regulations and Laws relating to said Boards, and to repeal an Act entitled "An Act creating a State Board of Health, defining its powers and duties, and providing for the compensation of its officers, and providing for the enforcement of the Rules and Regulations of said Board." Approved March 15th, 1901," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 10, introduced by Hilman, A Bill for an Act entitled "An Act to add to Part III, Title V, Chapter IV, Article IV, of the Political Code of the State of Montana, relating to the Soldiers'

Home, an additional Section to be designated Section 2531, relating to the employment therein of the inmates thereof, and providing for their compensation and payment," report same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 11, introduced by White, A Bill for an Act entitled, "An Act to enable the Normal Land Grant to be further utilized in providing additional buildings and equipment for the Montana State College", reports same back to the House with the recommendation that it be concurred in."

On motion of Lanstrum, report was adopted.

House Bills Nos. 7 and 10 were referred to the Committee on Engrossment. S. B. No. 11 was placed on file for third reading.

On motion by Linderman, at 5:10 P. M., the House adjourned.

.....
Speaker.

.....
Chief Clerk.

TWENTY-NINTH DAY

Monday, January 30th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members present except Buck, Fairbanks, Geyman and Shannon.

Mr. Speaker excused Buck and Shannon.

Journal of last session was read and approved.

Mr. Speaker announced to the House, that he was about to sign Senate Joint Memorial No. 1.

Mr. Speaker signed Senate Joint Memorial in the presence of the House.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 18 and 20 were today read third time and passed and are herewith transmitted to the House for its concurrence. Also that House Joint Memorial No. 1 was read third time, amended and concurred in and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second time.

Senate Bill No. 33, by Glidden:

A Bill for an Act entitled "An Act to amend Section I, Chapter 67, of the Session Laws of 1903 of the State of Montana relating to the creation in each County of Montana of a commission to be known as a County Agricultural Fair Commission, and providing an appropriation from the County Treasury of each County of the sum of One Thousand Dollars, to be expended by the commission for the County Fair Expenses."

Senate Bill No. 34, by Glidden: A Bill for an Act entitled an "Act to amend Section 602, Chapter III, Title I, Part III of Article XVI, of the Political Code of the State of Montana, relating to the applications of applicants for certificates to practice medicine or surgery in this State."

Senate Bill No. 35, by Harper: A Bill for an Act to amend Section 5039, of

the Political Code of Montana, relating to the establishment and maintenance of Public Libraries.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of Bills were given as follows:

By Tooley: A Bill for an Act to detach Meagher County from the Ninth Judicial District and annex it to the Tenth Judicial District.

By Waite: A Bill for an Act to prevent and punish the desecration of the flag of the United States.

Respectfully,

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Hewett: A Bill for an Act entitled: "An Act appropriating money for the payment of the claims of J. H. Calderhead and O. M. Holmes for expenses incurred and services rendered in the publication and distribution of 50,000 copies of the Extra Edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry."

By Macdonald: A Bill for an Act to prevent the Adulteration, Misbranding and selling of Adulterated and Unwholesome Foods and Beverages; Prescribing a Penalty for the violation hereof; Providing for the Inspection and Analysis of Foods; Charging the Montana Agricultural College with the duty thereof; Charging the County Attorneys with the enforcement hereof, and making an appropriation therefor.

By Sales: A Bill for an Act to Amend Sections 51, 52 and 53, of Chapter XLIV of the Laws of 1903, relating to the Inspection of Highways and Bridges by County Surveyors, and providing for the Inspection of Highways and Bridges by a member of the Board of County Commissioners and for his compensation.

By Murray: A Bill for an Act entitled "An Act appropriating money for the payment of the claim of Lizzie Murphy for service rendered as Stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October and November, 1903.

REPORTS OF STANDING COMMITTEES.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report, that House Joint Resolution No. 3, and House Bills Nos. 3, 44, 90, 68, 66, 42, 54, 34, 1, 71, 80, 75, 89, and 20 have been returned correctly printed and are ready for general orders."

"Report received; and House Joint Resolution No. 3 and House Bills Nos. 3, 44, 90, 68, 66, 42, 54, 34, 1, 71, 80, 75, 89 and 20 were placed on general orders.

Mulroney, from the Committee on Judiciary, reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 97, A Bill for an "Act to amend Sections 3821 and 3822 and to Repeal Section 3823 of the Political Code of the State of Montana, Relating to the Fiscal Year for the State and County and to the Reports of State and County Officers," beg to report the same back to the House with the recommendation that it do pass."

On motion by Murray, report was adopted.

House Bill No. 97 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 81, a Bill for an Act, "To amend Section 1736, Chapter I, Title XIII, Part II, of the Code of Civil Procedure of Montana, and relating to Appeals from Judgments," beg to report same back to the House with the recommendation that it do pass."

On motion by Wiedeman, report was adopted.

House Bill No. 81 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 5, A Bill for an Act to Amend Section 2776 of the Code of Civil Procedure of the State of Montana, Relating to compensation of Executors and Administrators," beg to report same back to the House with the recommendation that it do pass."

On motion by Wilson, report was adopted.

Senate Bill No. 5 was placed on general orders.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 122, A Bill for "An Act to Amend Section XXXVII, of Chapter IV, Title I, Part I, of the Code of Civil Procedure of Montana, and providing compensation for Pro Tempore Judges of the District Court," beg to report same back to the House with the recommendation that it do pass."

On motion by Murray, report was adopted.

House Bill No. 122 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your committee on Judiciary, having had under consideration House Bill No. 95, A Bill for "An Act to amend Section 911 of the Political Code of the State of Montana, relating to the appointment of Notaries Public," beg leave to report same back to the House with the recommendation that it do not pass."

Berry moved to adopt report of Judiciary Committee.

Motion, by Kennedy, that report of Judiciary Committee be rejected, and that House Bill No. 95 be ordered printed.

On division of the House, amendment lost; original motion carried.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 92, A Bill for an Act entitled "An Act to amend Section 448 of the Political Code of the State of Montana. relating to quarterly reports of the State Treasurer," beg to report same back to the House with the recommendation that it do pass.

MULRONEY, Chairman."

On motion by Sales, report was adopted.

House Bill No. 92 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 103, A Bill for an Act entitled, "An Act making it unlawful for any person to require the giving of surety bonds in Corporations not authorized to transact business in the State of Montana." beg to report same back to the House with the recommendation that it do pass with the following amendment:

Strike out the words and figures "One Thousand (1,000) Dollars" in the last line of Section 3, and insert the words "not less than One Hundred (100) Dollars and not more than One Thousand (1,000) Dollars."

MULRONEY, Chairman."

On motion by Cone, report was adopted.

House Bill No. 103 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 24, A Bill for an Act to amend Section 4220 of the Political Code of the State of Montana, relating to sessions of the Boards of County Commissioners," beg to report same back to the House with the recommendation that it do pass as amended, as follows:

That Section 4220 be amended by striking out the word "twenty" in line 6 of Section 1, and inserting after the word "exceeding" the word "twelve;" in line 6, strike out the words "of each quarter"; in line 7. after the word "exceeding" strike out the word "ten" and insert the word "eight"; in line 7, after the word

"month" strike out the word "of"; and in line 8, strike out the words "each quarter"; and in line 9 strike out the words "of each quarter."

Amend Section 1, by striking out in lines 15, 16 and 17, the words "but the total number of such extra sessions for which said board shall be paid shall not exceed three in any one year."

MULRONEY, Chairman."

On motion by Sanden, report was adopted.

House Bill No. 24, with amendments, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 79, A Bill for an Act entitled, "An Act to amend Section 1191 of Chapter 11, of Title XV, of Part I, of the Penal Code of Montana," beg to report same back to the House with the recommendation that it do pass as amended.

That Section 1191 be amended as follows: In line 6, after the word "any" and before the word "fenced," insert the word "lawfully"; strike out in line 8, after the word "misdemeanor", the words, "and any person who maliciously does or causes to be done any such acts, with the intention of causing a wreck on said railroad, or to injure any person or property, is guilty of a felony."

MULRONEY, Chairman."

On motion by Leiper, report was adopted.

House Bill No. 79, with amendments, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 84, A Bill for an Act entitled, "An Act to provide for the Corporal Punishment of Wife-Beaters, and persons guilty of Cruelty to Children," beg to report same back to the House with the recommendation that it do not pass.

MULRONEY, Chairman."

Bennett moved to adopt report.

Division called for.

On division of the House, report was adopted, the vote being, Ayes: 40; Nays, 13.

"Mr. Speaker:

We, a majority of the Committee on Judiciary, having had under consideration House Bill No. 77, A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State, for their approval or rejection, an amendment to Section 2, of Article IX, of the Constitution of the State of Montana, in relation to the right of suffrage, beg to report same back to the House with the recommendation that it be printed.

W. M. JOHNSTON,
W. W. BERRY,
JONA SEWELL,
BRIGHAM,
T. J. WALKER,
LEIPER."

"Mr. Speaker:

We, a minority of the Committee on Judiciary, having had under consideration House Bill No. 77, A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the state, for their approval or rejection, an amendment to Section 2, of Article IX, of the Constitution of the State of Montana, in relation to the right of suffrage," beg to report same back to the House with the recommendation that it do not pass.

MULRONEY, Chairman,
J. A. COLEMAN,
J. F. CONE."

On motion by Lanstrum, the majority report was adopted.

House Bill No. 77 was referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 1, A Bill relative to the Semi-annual payment of taxes, beg to report same back to the House with the recommendation that it do not pass.

MULRONEY, Chairman."

"Mr. Speaker:

We, a minority of your Committee on Judiciary, having had under consideration Senate Bill No. 1, A Bill relating to the semi-annual payment of taxes, beg to report same back to the House with the recommendation that it be amended as heretofore reported by our Committee, and that as so amended it be printed.

JOHNSTON,
BERRY,
BRIGHAM."

Johnston moved to adopt the Minority report.

Bennett moved, as an amendment, to adopt the Majority report.

Amendment carried and Majority report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Blake: H. B. No. 125. A Bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas, and the issuance of Temporary State Certificates.

By E. Starz, by request: H. B. No. 126. A Bill for an Act entitled, "An Act to establish a geological and natural history survey of Montana, and to make appropriation for said survey."

By Wood: H. B. No. 127. A Bill for an Act to amend Chapter 32 of the Laws of 1903, entitled An Act to Amend Section 451 of the Civil Code relating to Annual Reports of Corporations.

COMMUNICATION FROM THE GOVERNOR.

The following was read:

"Executive Office, January 30th, 1905.

To the Speaker of the House of Representatives:

You are hereby advised that I have approved House Bill No. 32—"An Act entitled an act to amend Section One of an Act entitled "An Act to authorize the trustees of School Districts to repay moneys borrowed and used by such Trustees for maintenance of schools therein, and to levy and collect a tax upon all the taxable property in such districts, or to issue and sell the bonds of such districts therefor, as such trustees shall deem advisable," approved February 19, 1901.

J. K. TOOLE, Governor."

MOTIONS AND RESOLUTIONS.

The following was read:

"HOUSE CONCURRENT RESOLUTION.

WHEREAS, it is deemed advisable that the various institutions of the State, maintained at public expense, be investigated by a proper Committee of the Legislative Assembly, and a report of the conditions of, and funds necessary for the proper maintenance of such institutions be made to the Legislative Assembly, therefore

BE IT RESOLVED by the House, the Senate concurring, that three joint committees, consisting each of three Representatives, to be appointed by the Speaker of the House, and two Senators, to be appointed by the President of the Senate, be appointed as follows, to-wit: One committee to visit the State University at Missoula, the Insane Asylum at Warm Springs, and the Deaf and Dumb Asylum at Boulder; one committee to visit the Reform School at Miles City, the Agricultural College at Bozeman, and the State Fair at Helena; and one committee to visit the School of Mines a Butte, the Normal College at Dillon, and the Orphans' Home at Twin Bridges, Montana; that said Committees leave this City on February 3rd, 1905; that each Committee is hereby authorized, and fully empowered to make full and complete investigation as to the condition of said institutions, and to make a full report thereof, together with such recommendations as said respective committees may deem advisable, to this Assembly; and said committees are hereby granted all necessary powers in the premises.

BE IT FURTHER RESOLVED: That the members of said committees be allowed, by appropriation, their necessary and actual expenses incurred in making the investigations and reports herein before provided for.

BLAKE."

On motion of Wiedeman, resolution was adopted.

Mr. Kennedy notified the House that Representative Shannon of Silver Bow had received, on Friday last, notice of the sudden death of his brother in Chicago and had left for that City. On behalf of Mr. Shannon, Kennedy asked that Mr. Shannon be excused from attendance upon the sessions of the House until such time as he could return to this City.

Kennedy announced that a pair had been arranged between Sewell and Shannon and that the pair was in the custody of Mr. Speaker.

Mr. Speaker informed the House that he had been duly notified of the pair between Shannon and Sewell.

The following was read:

"Helena, Montana, Jan. 27, 1905.

"Mr. Speaker:

The undersigned members of the House have paired upon the following questions:

All bills and matters regarding the Initiative and Referendum, and the Bennett Bill known as House Bill No. 72.

JOS. SHANNON,
JONA. SEWELL."

On motion of MacGinnis, the special order of business for the consideration of the Initiative and Referendum Business, was ordered changed to 2:30 P. M. Wednesday, instead of Tuesday.

READING OF HOUSE BILLS.

On motion by Lannin, all bills, except Appropriation Bills, were read first and second time by title only.

S. B. No. 18, read first and second time, and referred to Committee on Labor.

S. B. No. 20, read first and second time, and referred to Committee on Judiciary.

H. B. No. 125, read first and second time, and referred to Committee on Education.

H. B. No. 126, read first and second time, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 127, read first and second time, and referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 11 was read third time and concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Nays—None.

Absent or not voting—Brewster, Fairbanks, Geyman, Huntington, Leiper, Mumbrue, O'Connor, Reel, Sewell, Shannon and Starz—11.

Title agreed to.

House Joint Concurrent Resolution No. 1, returned for concurrence in amendment as follows: Amended by changing first line of the title to read "House Joint Resolution No. 1."

Kennedy moved that amendment be concurred in. Motion carried.

House Joint Resolution No. 1 was referred to Committee on Enrollment.

On motion by Linderman, the House resolved itself into a Committee of the Whole for the consideration of Senate Bill No. 5 and House Bills Nos. 47 and 52.

Dempster in the Chair.

House resumed.

Mr. Speaker in the Chair.

Dempster, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Bill No. 5, and House Bills Nos. 47 and 52, having had under consideration House Bill No. 47, Introduced by Wilson, A Bill for an Act entitled An Act to regulate the weighing of coal of employees engaged in mining coal at bushel or ton rates by any mine owner, lessee or operator, and for the prevention of any contract or agreement between mine owners, lessees or operators thereof and the miners engaged in mining coal therein, and providing penalties for any violation thereof, reports same back and recommends that it do pass with the following amendments:

Amend Section 1, line 8, by inserting before the word "make" the word "hereafter."

Amend Section 2, line 13, by inserting before the word "contract" the word "such."

Amend Section II, line 10, by inserting the words "hereafter made", after the word "therein."

Amend line 2 of the title by striking out the words "the prevention" and in lieu thereof insert the words "declaring void."

Amend the title by striking out all of line No. 3, commencing after the word "agreement"; and the first two words in line 4 and in lieu thereof insert the words "in violation thereof."

Amend the title by striking out the word "any" in line 4, after the word "for", and the word "thereof" after the word "violation" and in lieu thereof insert the words "of said Act", after the word "violation."

Amend line one of the title by striking out the word "of" and make it read "mined by" after the word "coal."

Also having had under consideration House Bill No. 52, introduced by W. W. Berry, A Bill for an Act entitled "An Act to punish interferences, and attempted interferences with railroad property and the causing of death thereby; and to repeal Section 1030 of Chapter XLII of Title XIII, of Part I, of the Penal Code of the State of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 5, introduced by Brennen, A Bill for an Act entitled, An Act to amend Section 2776 of the Code of Civil Procedure of the State of Montana, relating to compensation of executors and administrators, reports same back, and recommends that it be concurred in."

On motion of Linderman, report was adopted.

Senate Bill No. 5 was placed on file for third reading.

House Bills Nos. 47 and 52 were referred to Committee on Engrossment.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 55, 62 and 3.

Dempster in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum moved, that when the House adjourn, it adjourn until 11 o'clock A. M. tomorrow. Motion carried.

Dempster, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 55, introduced by Everett, A Bill for an Act entitled An Act to amend Section 541 of the Penal Code of the State of Montana relating to the sale of intoxicating liquors, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 3, introduced by W. H. Williams, A Bill for an Act entitled, An Act to Amend Sections 2 and 4, and to add Sections 8 and 9 to Senate Bill No. 106, of the Session Laws of 1901, relating to the office of Coal Mine Inspector, and providing penalties for the violation thereof, reports same back with the recommendation that it do pass with the following amendments:

Amend Section II, line 7, by inserting the word "has" after the word "and."

Amend Section III, line 15, by striking out the words "other and" after the word "all."

Amend Section 6, by striking out the word "any" in line 36, and insert in lieu thereof the word "every."

Amend Section 8, lines 51 and 52, by striking out the words "not less than 30 days in the County Jail, nor more than 90 days", and insert in lieu thereof the words "imprisoned in the County Jail not less than thirty days, nor more than ninety days."

Amend Section 8, line 50, by striking out the word "justices" after the word "any."

Amend Section 8, line 52 and 53, by striking out after the word "imprisonment" the words "as the court may decide."

Also having had under consideration House Bill No. 62, introduced by Hilman, A Bill for an Act to add to Part III, Title V, Chapter IV, Article IV, of the Political Code of the State of Montana, relating to the Soldiers' Home, an additional Section to be designated as Section 2532, relating to the appointment of a Chaplain and providing for his compensation and payment, and reports same back with the recommendation that it do pass."

On motion by Lannin, report was adopted.

House Bills Nos. 55, 3 and 62, with the amendments, were referred to the Committee on Engrossment.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 30, 56, 50, 91 and Substitute for House Bill No. 23 have been returned correctly printed."

Report adopted.

House Bills Nos. 30, 56, 50, 91 and Substitute for House Bill No. 23, were placed on general orders.

On motion by Lanstrum, at 5:45 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

THIRTIETH DAY

Tuesday, January 31st, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members present except Geyman, Huntington, MacGinnis, O'Brien, Quigley, Shannon and Sullivan of Lewis and Clarke.

Journal of yesterday was read and approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

"Helena, Montana, Jan. 30th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were today introduced and read first and second time.

Senate Bill No. 36, by Tooley:

A Bill for an Act to detach Meagher County from the Ninth Judicial District and to annex it to the Tenth Judicial District.

Senate Bill No. 37, by Ralston: A Bill for an Act entitled, "An Act to regulate Primary Elections and providing penalties for its enforcement and amending Sections 1206 and 1260 of the Political Code.

The following notice of introduction of Bill was also given:

By Sherlock: A Bill for an Act in relation to Police Magistrates and Police Officers.

Respectfully,

C. E. WIGHT, Secretary."

A protest was received from the Allied Printing Trades Council of Helena, also from the Helena Trades and Labor Assembly, against the passage of House Bill No. 93, introduced by Huntington, relating to County Printing.

NOTICES OF BILLS.

The following notice was given:

By Wyman: A Bill for an Act to Amend Section 752, Title XI, Part I, of the Penal Code of the State of Montana, relating to crimes against the Public Peace.

Wilson, from the Committee on Engrossment, reported as follows:

"Helena, Montana, Jan. 30th, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 7 and 10 as correctly engrossed."

Report adopted and House Bills Nos. 7 and 10 were placed on file.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Murray: H. B. No. 128. A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of Lizzie Murphy for service rendered as stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October, and November, 1903."

By Sales: H. B. No. 129. A Bill for an Act to amend Sections 51, 52 and 53, of Chapter XLIV of the Laws of 1903, relating to the inspection of Highways and Bridges by County Surveyors, and Providing for the inspection of Highways and Bridges by a Member of the Board of County Commissioners and for his compensation.

By Meunier: H. B. No. 130. A Bill for an Act entitled "An Act fixing a maximum rate for transportation of passengers by any railroad in Montana.

By Macdonald: H. B. No. 131. A Bill for an Act to Prevent the Adulteration, Misbranding and selling of Adulterated and Unwholesome Foods and Beverages, Prescribing a penalty for the Violation hereof, Providing for the Inspection and Analysis of Foods, Charging the Montana Agricultural College with the duty thereof, Charging the County Attorneys with the enforcement hereof and making an appropriation therefor.

MOTIONS AND RESOLUTIONS.

On motion by Lanstrum, House Bill No. 56, A Bill to create the County of Paradise, designate its boundaries, and provide for its organization and government, was made a special order of business for 11 A. M. tomorrow.

On motion by Collier, the Board of Managers of the State Soldiers' Home, located at Columbia Falls, Montana, was requested to submit their Annual Report to this body, relative to the conditions existing in that institution, together with estimates of expenses and funds required for the years ending November 31st, 1905 and 1906.

Mr. Speaker instructed the Chief Clerk to notify the Board of Managers of the State Soldiers' Home, of above request.

Kennedy moved that the chair appoint a Committee of three to draft Resolutions of Condolence with their Colleague, Representative Shannon.

Motion carried and Mr. Speaker appointed Kennedy, Blake and O'Connor as such Committee.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 128, read first and second time, and referred to Committee on Appropriations.

On motion by Sales, the rules were suspended and all Bills, except Appropriation Bills, were read first and second time by title only.

H. B. No. 129, read first and second time, and referred to Committee on Highways.

H. B. No. 130, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 131, read first and second time, and referred to Committee on Appropriations.

Kennedy asked for unanimous consent that the records show that House Bill No. 131 had been read the second time at length.

Unanimous consent granted and it was so ordered by the Speaker.

THIRD READING OF SENATE BILLS.

Lanstrum moved that the rules be suspended and that Senate Bill No. 5 be considered read at length.

Substitute motion by Lannin, that the bill be read at length.

Substitute motion lost; original motion carried.

Mr. Speaker announced: "Senate Bill No. 5 having been read three several times, the question is, Shall the Bill be concurred in?"

Senate Bill No. 5 was concurred in by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Lannin, Metcalf, Meunier, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Nays—Bembrick—1.

Absent and not voting, Berry, Geyman, Huntington, Murray, Murphy, MacGinnis, O'Brien, Shannon, and Sullivan, of Lewis and Clarke—9.

Title agreed to.

On motion by Bennett, at 12 o'clock Noon, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House Re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. All members present except Bembrick, Coleman, Huntington, Kennedy, Meunier, O'Brien, Schoonover and Shannon. Meunier excused.

The following were read:

"Mr. Speaker:

We, your Committee, on Engrossment, beg leave to report House Bills Nos. 3, 55 and 62 as correctly engrossed.

C. H. WILSON, Chairman."

House Bills Nos. 3, 55 and 62 were placed on file for third reading.

"Mr. Speaker:

Your Committee on Enrollment report the following House Joint Resolution No. 1 as correctly enrolled, this 31st day of January, 1905.

HOUSE JOINT RESOLUTION NO. 1.

RESOLUTION requesting Congress to call a convention for the purpose of proposing an Amendment to the Constitution of the United States, which Amendment shall provide for the election of United States Senators by direct vote of the people.

J. F. CONE, Chairman."

Report adopted.

The Speaker announced that he was about to sign House Joint Resolution No. 1.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended and the five bills before the House were read third time by title only.

House Bill No. 10 was read third time, by title, and passed by the following vote:

Ayes—Bennett, Berry, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Lanstrum, Linderman, Mulroney, Mumbrue, Murray, Macdonald, Patten, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanders, Selway, Starz, Stevens, Sullivan of Jefferson, Sullivan, of Lewis and Clarke, Teskey, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—43.

Nays—Blake, Brewster, Brigham, Buck, Burt, Canoll, Everett, Lannin, Metcalf, Murphy, O'Connor, Potter, Ross, Sanden, Sykes and Wyman—16.

Absent and not voting—Bembrick, Blankenship, Coleman, Huntington, Kennedy, Leiper, Meunier, MacGinnis, O'Brien, Schoonover, Sewell, Shannon and Vandyck—13.

Lanstrum moved for a reconsideration of vote on House Bill No. 10.

Motion carried, Ayes 31; Nays 27.

Lanstrum moved to re-refer House Bill No. 10 to Committee on State Boards and Officers. Motion carried.

House Bill No. 10 re-referred to Committee on State Boards and Officers.

House Bill No. 7 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, Forsythe, Hayes, Johnston, Lanstrum, Leiper, Linderman, Mulroney, Murray, MacDonald, O'Connor, Patten, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Selway, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Williams, Wilson, Wood, Wyman, and Mr. Speaker—42.

Nays—Brigham, Carriher, Dempster, English, Fairbanks, Harrington, Hewett, Hilman, Lannin, Metcalf, Murphy, Potter, Roach, Stevens, Teskey, Vandyck, Wiedeman—17.

Absent or not voting—Bembrick, Coleman, Everett, Geyman, Huntington, Kennedy, Meunier, Mumbrue, MacGinnis, O'Brien, Schoonover, Sewell, Shannon—13.

Title agreed to.

House Bill No. 55 was read third time and passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Selway, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—47.

Nays—Berry, Canoll, Geyman, Hayes, Lannin, Murphy, Roach, Sullivan, of Jefferson, Sullivan, of Lewis and Clarke, Teskey, Walker, Wood and Wyman—13.

Absent and not voting—Bembrick, Coleman, Cone, Huntington, Kennedy, Meunier, Mumbrue, MacGinnis, O'Brien, Schoonover, Sewell, Shannon—12.

Title agreed to.

House Bill No. 62 read third time and passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Buck, Carriher, Christian, Collier, Decker, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hilman, Johnston, Lanstrum, Linderman, Mulroney, Mumbrue, Macdonald, Patten, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Selway, Starz, Stevens, Sullivan, of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood and Mr. Speaker—41.

Nays—Berry, Brigham, Burt, Canoll, Everett, Hayes, Hewett, Lannin, Metcalf, Murray, Murphy, O'Connor, Potter, Quigley, Sanden, Sullivan, of Lewis and Clarke, Walker, and Wyman—18.

Absent and not voting—Bembrick, Coleman, Cone, Huntington, Kennedy, Leiper, Meunier, MacGinnis, O'Brien, Schoonover, Sewell, Shannon, and Wilson—13.

Title agreed to.

House Bill No. 3 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Dempster, English, Fairbanks, Geyman, Harrington, Hayes, Hewett, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, Murphy, Macdonald, O'Connor, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Selway, Sewell, Starz, Stevens, Sullivan, of Jefferson, Sullivan, of Lewis and Clark, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—53.

Nays—Blake, Decker, Everett, Forsythe, Hilman, Mumbrue, Patten, and Sykes—8.

Absent and not voting—Bembrick, Coleman, Huntington, Kennedy, Meunier, MacGinniss, O'Brien, Sales, Schoonover, Shannon, and Wilson—11.

Title agreed to.

GENERAL ORDERS.

On motion of Lanstrum, the House resolved itself into a Committee of the Whole for the consideration of House Bills Nos. 20, 34 and 42.

Leiper in the chair.

House resumed.

Mr. Speaker in the chair.

Leiper, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 20, introduced by Shannon, A Bill for an Act entitled, "An Act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana, relating to officers and election of officers in cities of the first class, reports same back to the House with the recommendation that it do pass, wtih the following amendment:

Amend Section 2, line 20, by striking out the word "one" after the word "treasurer."

Also having had under consideration House Bill No. 34, introduced by Murray, A Bill for an Act to Amend Section 1653 of the Code of Civil Procedure relating to Contempts in Justice Courts, reports same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 42, introduced by Wiedeman, A Bill for an Act entitled, "An Act to Amend Section 2000 of the Political Code of the State of Montana, Relative to the School Library Fund and Permitting the use of such Fund for the Payment of Current Expenses of the Schools," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 9, by striking out the word "embracing" after the word "districts" and inserting in lieu thereof the words "other than."

Amend Section 1, lines 6, 7 and 8, after the word "work," by striking out the words "and no warrant snall be drawn by the Board of Trustees against the Library Fund of any district unless such order is accompanied by an itemized bill, showing the books and the price of each, in payment of which the order is drawn."

On motion by Sales, report was adopted.

House Bills Nos. 20, 34 and 42 were referred to Committee on Engrossment.

On motion by Vandyck, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 44, 54 and Substitute for House Bill No. 23.

Leiper in the chair.

House resumed.

"Mr. Speaker:

Leiper, from the Committee of the Whole, reported as follows:

Your Committee of the Whole, having had under consideration House Bill No. 44, introduced by Dempster, A Bill for an Act entitled, "An Act to Provide that the National Flag be Unfurled, Displayed and kept floating upon the State Capitol Building and to authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto," reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 2, by striking out the figure "5" after the word "to" and inserting in lieu thereof the figure "4."

Also having had under consideration House Bill No. 54, introduced by Walker, A Bill for an Act entitled An Act amending Section 3695 of the Political Code of the State of Montana, relating to taxation of private Bankers, Brokers or Dealers in Stock, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, lines 23, 24 and 25, by striking out, after the word "profit" the words "and such private banker, broker or dealer in stocks shall not be taxed for any other property or in any other way than herein provided."

Also having had under consideration Substitute for House Bill No. 23, introduced by Committee on Mines and Mining, A Bill for an Act entitled An Act to create a Board of Examiners for examining applicants for the position of Coal

Mine Inspector of the State of Montana and prescribing the qualifications of such applicants and prescribing the rights and duties and fixing the compensation of such Board of Examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 8, line 50, by striking out the words "and the legal rate of mileage to and from their homes," and insert in lieu thereof the words "and their actual expenses."

On motion of Wiedeman, report was adopted.

House Bills Nos. 44, 54 and Substitute for House Bill No. 23, were referred to Committee on Engrossment.

Macdonald moved that when the House adjourn, it adjourn until 10:30 A. M. tomorrow, the first instant. Motion carried.

On motion of Linderman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 50, 71 and 75.

Leiper in the chair.

House resumed.

Mr. Speaker in the chair.

Leiper, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 50, introduced by Linderman, A Bill for An Act to regulate the sale, use and redemption of transportation tickets of common carriers, providing penalties for the violation thereof, and repealing Section 982 of Chapter IV, Title VIII, Part IV, of Division I, of the Civil Code of Montana, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 3, line 27, by striking out the word "line" after the word "railway," and insert in lieu thereof the word "company."

Amend Section 4, line 30, by striking out the word "line" after the word "railway," and insert in lieu thereof the word "company;" and in line 37 of the same Section, strike out the word "line," and insert in line 38, after the word "railroad," the word "company."

Also having had under consideration House Bill No. 71, introduced by E. V. Blankenship, A Bill for an Act entitled, "An Act to amend Section 1210 of the Political Code of Montana, as amended by Senate Bill No. 57 of the Laws of 1897, and to Repeal Section 1217 of the Political Code of Montana," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 5, by striking out the word "generally" after the word "applicant."

Amend Section 4, line 46, by inserting the words "and approval" after the word "passage."

Amend the title by inserting after the last word of the title the words "relating to registration."

Also having had under consideration House Bill No. 75, introduced by Wellman, A Bill for an Act to correct the spelling of the name "Lewis and Clarke County," reports same back to the House and recommend that it do pass with the following amendment:

Amend Section 4, line 8, by inserting the word "and approval" after the word "passage."

On motion of Mumbrue the report was adopted.

House Bills Nos. 50, 71 and 75, with the amendments, were referred to Committee on Engrossment.

MESSAGE FROM THE GOVERNOR.

"Helena, Montana, Jan. 28, 1905.

To the House of Representatives of the Ninth Legislative Assembly of Montana:

Gentlemen: We have the honor to submit herewith a statement of claims against the State arising from the slaughter of diseased animals under the provisions of Sections 3005 and 3006 of the Political Code. These claims are disapproved by the Board of Examiners for the reason that there are no funds to pay the same.

The claims of the same nature sent you without recommendation under date of December 31st, 1904, in the total sum of $12969.75, are disapproved for the same reason.

In passing upon these claims the Board has not undertaken to pass upon the merits of the same and do not wish it understood that it stands committed upon the question of valuation in any case, as it has not had the opportunity or facilities for investigation.

Very respectfully,
State Board of Examiners.
J. K. TOOLE, President.
ALBERT J. GALEN,
A. N. YODER, Secretary."

The message, with accompanying statement, was referred to Committee on Appropriations.

On motion by Macdonald, at 4:30 P. M. the House adjourned.

.....
Speaker.

.....
Chief Clerk.

THIRTY-FIRST DAY

Wednesday, February 1st, 1905.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Reverend Charles F. Richardson of Great Falls.

Roll called and all members present except Dempster, Fairbanks, Shannon and Williams.

Journal of yesterday was read and approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Jan. 31st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Bills Nos. 12, 22, 28 and 53 were today read third time and concurred in and are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

House Bills Nos. 12, 22, 28 and 53 were referred to Committee on Enrollment.

"Helena, Montana, Jan. 31st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Concurrent Resolution regarding the selection of a Joint Committee to visit State Institutions was not concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 31st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the accompanying Senate Concurrent Resolution was today adopted by the Senate and is herewith transmitted to the House for its concurrence.

Respectfully,
C. E. WIGHT, Secretary."

"SENATE CONCURRENT RESOLUTION.

RESOLVED, that a committee of four be now appointed; two Senators appointed by the President and two Representatives appointed by the Speaker; to investigate the State Institution annual reports as rendered for 1904 respectively; that they ascertain from the Senators and Representatives from such counties in which said State Institutions are located respectively, the advisibility of sending

committees to any of the State Institutions requiring improvements or investigation."

Blake moved that a Committee of Three be appointed, to confer with a like committee from the Senate regarding visiting State Institutions.

Motion carried; and Mr. Speaker appointed Blake, Wiedeman and Walker as such committee.

"Helena, Montana, Jan. 31st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notice of Introduction of Bill was given today:

By Glidden: A Bill for an Act relating to the selling of intoxicating liquors within two miles of any Railroad grade in course of construction.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Jan. 31st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bill was today introduced and read first and second time:

Senate Bill No. 38, by Waite: A Bill for an act entitled "An Act to prevent and punish the desecration of the flag of the United States.

Respectfully,
C. E. WIGHT, Secretary."

On motion by Lanstrum, at 11 o'clock A. M., the House resolved itself into a Committee of the Whole for the consideration of House Bill No. 56.

Lannin in the chair.

House resumed.

Mr. Speaker in the chair.

Lannin, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 56, introduced by Amos Buck, A Bill to create the County of Paradise, designate its boundaries, and provide for its Organization and Government, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 6, by inserting the words "in a straight line" after the word "southerly;" and amend line 7 of the same section, by inserting between the words "the" and "Northern" the words "present site of the."

Amend Section 4, line 52, by inserting the word "taxable" after the words "and the."

Amend Section 4, line 56, by inserting after the words "Judge of" the words "Department one of."

Amend Section 10, line 111, by adding after the word "Assessor" the words "L. E. Smith, Clerk of the District Court."

Amend Section 10, line 104, by inserting after the word "following" the word "named."

Amend Section 11, line 134, by inserting after the word "Dollars," the words "Clerk of the District Court, Twelve Hundred Dollars."

As moved by Lanstrum, carried by unanimous vote, amend the title of the Bill by striking out the word "Paradise" and inserting in lieu thereof the word "Sanders," and throughout the Bill strike out the word "Paradise," and insert in lieu thereof the word "Sanders."

On motion by Lannin, report was adopted.

O'Connor called for a roll call on the adoption of the report of the Committee of the Whole.

Report adopted by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan, of Jefferson, Sullivan, of Lewis and Clarke, Sykes, Tes-

key, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—65.

Nays—Bembrick and O'Connor—2.

Absent or not voting—Dempster, Fairbanks, Selway, Shannon, and Williams—5.

On motion by Everett, House Bill No. 56 was considered engrossed and read, and was then placed upon its final passage.

House Bill No. 56, having been read third time, was passed by the following vote:

Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Forsythe, Geyman, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—65.

Nays—O'Connor—1.

Absent or not voting—Dempster, Fairbanks, Hayes, Selway, Shannon, and Williams—6.

Title agreed to.

On motion by Wyman, at 12:15 P. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

Roll called and all members present except Berry, Fairbanks and Shannon.

The chair announced the receipt of numerous petitions referring to the Initiative and Referendum.

Lanstrum moved that the petitions be referred to the Committee of the Whole for reading therein. Motion carried.

NOTICE OF BILLS.

The following notices were given:

By Bennett: A Bill for an Act to Amend Section 131, Article II, Title I, of the Civil Code of the State of Montana, and forbidding certain persons obtaining divorces from marrying again.

By Buck: A Bill for an Act to amend an Act entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8th, 1897, as amended by House Bill No. 13 Session Laws of 1901, approved March 14th, 1901.

By Mulroney: A Bill for an Act entitled "An Act better to secure the safety of operatives and passengers upon railroad trains, and providing a penalty for the violation thereof."

By Leiper: A Bill for an Act providing for the filing of certificates of Stock of Water Users' Associations, with County Clerks, in book form.

By Coleman: A Bill for an Act entitled, "An Act to amend Section 4602 of Chapter IV, Title II, Part IV, of the Political Code of Montana, relative to the number of deputies allowed treasurers, assesors, auditors, county attorneys, and to repeal House Bill 89, Session Laws of 1901, entitled "An Act relative to the number of assistant and deputy county attorneys in counties of the first and second class, and allowing County Commissioners to fix the compensation thereof."

By Schoonover: A Bill for an Act entitled, An Act to amend Section 1053 of Chapter VII, Article IX, of the Civil Code of the State of Montana, to allow the Clerk of the District Court to approve official bonds.

By Reel: A Bill for an Act concerning Liability for trespass of Sheep upon lands or possessory claims of others.

By Sewell: A Bill for an Act to Amend Section 1096 of Chapter 15 of the Penal Code of Montana, relating to Cruelty to Animals.

By Potter: A Bill for an Act changing the Eighth and Eleventh Judicial Districts of the State of Montana so that the Eleventh Judicial District shall be composed of Flathead County, and the Eighth Judicial District shall be composed of Cascade and Teton Counties; Providing for the Transaction of Judicial Business in the Counties of Cascade and Teton; and to amend an Act entitled, "An Act entitled, An Act to amend Section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure, and to Provide for Additional Judge for the Second Judicial District of the State of Montana." Passed by the Seventh Legislative Assembly, and Approved March 11th, 1901. and to provide for an additional Judge for the Eighth Judicial District of the State of Montana.

By Coleman: A Bill for an Act entitled, An Act to amend Section 4596, Chapter IV, Title II, Part IV, of the Political Code, relating to salaries of deputies and classification.

By Dempster: A Bill for an Act relating to the Establishment of a Board of Architectural Examiners, and providing certain requirements and qualifications for the practice of Architecture in the State of Montana.

By Blankenship: A Bill for an act prohibiting School Trustees of any School District from renting, leasing or granting the free use of any school house within their district, for dancing purposes, or for any other purpose not contemplated, nor within the meaning of the Statute.

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 50, 54, 71, 75, and Substitute for House Bill No. 23, as correctly engrossed."

Report received and House Bills Nos. 50, 54, 71, 75 and Substitute House Bill No. 23 were placed on file for third reading.

Also:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 47 and 52 as correctly engrossed."

House Bills Nos. 47 and 52 were placed on file for third reading.

Also:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 20, 42, and 44 as correctly engrossed."

Report received and House Bills Nos. 20, 42 and 44 were placed on file for third reading.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 35 and 73 have been returned correctly printed and are ready for general orders."

House Bills Nos. 35 and 73 were placed on general orders.

Wiedeman, from the Committee on Townships and Counties, reported as follows:

"Helena, Montana, Jan. 31, 1905.

Mr. Speaker:

Your Committee on Townships and Counties having had under consideration House Bill No. 16, A Bill for an Act entitled, "An Act authorizing the County Commissioners of any County to provide public scales at any suitable location in the County, providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such weigher." beg leave to recommend the following amendment:

Amend Section 2, after the word "capacity" by inserting the words, "shall be provided with glass or open front which can be observed by the one weighing, without dismounting from the wagon."

We recommend that the Bill as amended do pass."

On motion by Sales, report was adopted.

House Bill No. 16 was referred to the Committee on Printing.

Ross, from the Committee on Labor, reported as follows:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 9, "A Bill for an Act entitled An Act providing for the payment of certain employes and laborers and wage workers semi-monthly, in lawful money of the United States and for the prevention of assignment of future wages under this Act and providing penalties for any violation of the same," refer the same back to the House with the recommendation that it do pass."

On motion by Lannin, report was adopted.

House Bill No. 9 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 70, "A Bill for an Act to prevent blacklisting of Employes, and providing a penalty for the violation thereof and providing a civil action for damages," refer the same back to the House with the recommendation that it do pass.

On motion by Lannin, report was adopted.

House Bill No. 70 was referred to Committee on Printing.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the third reading of House Bill No. 27 was deferred until next Friday.

Johnston moved that the House Bills be read by title and history only, and that the records show that they had been read in full. Motion carried.

House Bill No. 47 was read third time and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—69.

Nays—None.

Absent or not voting—Fairbanks, Shannon and Walker—3.

Title agreed to.

Mr. Speaker announced that he was about to sign Senate Bill No. 11.

Leiper moved that Substitute for House Bills Nos. 1 and 2 be placed on general orders.

Lanstrum moved, as an amendment, that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 1, known as the Lanstrum and Dempster Bill.

Amendment carried.

The House resolved itself into a Committee of the Whole, with Bennett in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett, from the Committee of the Whole, reported that the Committee had arisen without instructions.

Kennedy moved that the House resolve itself into a Committee of the Whole, with Hewett in the chair, for the consideration of House Bill No. 1.

Substitute motion by Leiper, that the House resolve itself into a Committee of the Whole for the consideration of all Initiative and Referendum Bills that have been printed, with Lanstrum in the chair.

Substitute motion lost, Ayes, 31; Nays, 35.

Lanstrum moved to amend the original motion, that when the House resolved itself into a Committee of the Whole, debate be restricted to House Bill No. 1.

Amendment carried, Ayes 36; Nays 33.

The House went into a Committee of the Whole, with Lannin in the chair.

House resumed.

Mr. Speaker in the chair.

Lannin, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 1, Lanstrum and Dempster Bill, A Bill for An Act entitled, "An Act for the submitting to the qualified electors of the State of Montana, Amendments to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation," reports same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 1, line 8, by striking out after the word "laws" the words "and amendments to the Constitution."

Amend Section 1, line 22, by inserting after the word "people" the words "by the Legislature or the Initiative or the Referendum Petition."

Amend Section 1, line 7, by striking out the word "that" after the word "but."

Amend Section 1, line 11, by striking out the word "five" and inserting in lieu thereof the word "eight," after the word "than."

Amend Section 1, line 18, by striking out the word "five" after the word "by," and insert in lieu thereof the word "ten."

Amend Section 1, line 12, by inserting the words "of the State of Montana" after the word "voters."

Also that the Petitions, referred to the Committee of the Whole for reading, be re-referred to the House, with the recommendation that they be read when House Bill No. 1 is placed upon its final passage."

Lannin moved to adopt the report.

Substitute motion by Everett, that the report be laid on the table.

Substitute motion lost; Ayes, 20; nays, 41.

Original motion carried. Ayes, 40; Nays, 21.

On motion by Kennedy, the rules were suspended, and House Bill No. 1 was considered correctly engrossed, was read third time, by title and History and the records were made to show that it had been read in full.

Mr. Speaker announced the following pair:

"Mr. Speaker: We, the undersigned, are paired for February 1st, 1905.

BERRY,
VANDYCK."

Lanstrum moved that the rules be suspended and that the Petitions referring to the Initiative and Referendum be read at this time.

Motion carried; Ayes, 37; noes, 8.

Lanstrum moved that, owing to all the petitions being of the same form, the Clerk read one petition in full, giving the number of signers, and that he announce whence each petition originated and the number of signers thereof. Motion carried.

The following petition was read:

"Granite, Montana.

To the Honorable, The Senate and House of Representatives of Montana in Session Assembled.

Gentlemen:—The platform of all political parties in the State having declared for the Initiative and Referendum, and the principles of the same are in active operation in various State throughout the United States, and

Whereas, we believe that the people of the State should be accorded their just right of expressing at the polls their views upon all questions of public welfare, and especially upon their right so to do, therefore, we pray that your Honorable Body pass a bill providing for submitting to the people for their approval or rejection a Constitutional Amendment establishing direct legislation through the Initiative and Referendum, similar to the Oregon Amendment and as prseented by the Legislative Committee of the Montana State Federation of Labor.

Also, a direct Primary Election Law.

And for this your petitioners will ever pray."

Signed by 145 petitioners.

Petition from Stockett, Montana, signed by 35.

Petition from Great Falls, Montana, 5 signers.

Also from Great Falls, with 8 signers.

From Great Falls, 15 signers.

From Great Falls, signed by W. J. Pierce, Secretary of L. U. of the P. and D. and P. of A.

From Great Falls, signed by 25 members of L. U. No. 41, U. A. J. Plumbers, Gas and Steam Fitters and Steam Fitters Helpers.

From Great Falls, signed by 69 members of the Hotel and Restaurant Employees Union No. 285.

From Great Falls, signed by 37.

From Helena, signed by 12.

From Helena, signed by 10 members of Hack and Cab Drivers Union No. 218.

From Helena, signed by 15.

From Helena, signed by 12.

From Gilt Edge, Montana, signed by 75 members of Judith Mountain Miners Union No. 107.

From the Montana Federation of Labor signed by the President and Secretary.

From Billings, Montana, signed by 27 members of the Billings Federal Labor Union No. 133.

From Billings, signed by 35 members of the Billings Federal Labor Union No. 133.

From Philipsburg, Montana, signed by 14 members of the Granite Mill and Smeltermen's Union No. 162.

From Butte, signed by 41 members of the Billings Trade Council, Butte, Montana.

From Butte, signed by 4 members of the Butte Stationary Engineers Union No. 83.

From Butte, signed by 7 members of Butte Butchers' Union.

From Butte, signed by 20 members of the Silver Bow Trades and Labor Assembly.

From Helena, signed by 26 members of Printers' Union.

From Helena, signed by 21.

From Helena, signed by 26 members of the International Union of the United Brewery Workmen, Helena, Montana. Branch No. 1 of Butte Local No. 231 Beer Drivers and Bottlers.

From Anaconda, signed by 11 members of the United Brotherhood of Carpenters and Joiners' Union No. 33.

From Anaconda, signed by 6 members of Building Laborers International Protective Union Local No. 3.

From Anaconda, by 340 members of Anaconda Mill and Smeltermen's Union No. 117.

From Butte, signed by 38.

From Butte, signed by 124.

From Aldridge, Montana, signed by 35.

From Aldridge, Montana, signed by 43.

From Storrs, Montana, signed by 20 members of United Mine Workers' of America, Local Union No. 2550.

From Livingston, Montana, signed by 42.

From Bridger, Montana, signed by 18.

From Horr, Montana, 34 signers.

From Livingston, signed by 11.

From Great Falls, signed by two officers of Black Eagle Division No. 356 Order of Railway Conductors.

From Great Falls, signed by 17 members of the Retail Clerks' Union, Local No. 57, R. C. N. P. A. of the United States.

From Great Falls, signed by 27 members of Iron Moulders' Union No. 93.

From Great Falls, signed by 32.

From Sand Coulee, Montana, signed by 68 members of the United Mine Workers of America, District No. 22.

From Hassel, Montana, 99 signers.

From Winston, Montana, 42 signers.

From Butte, 9 signers.

From Butte, signed by F. J. More, President and William E. Palmer, Rec. Sec. of the Hotel and Restaurant Employees' Union No. 2.

From Butte, 83 signers.

From Butte, 24 signers.

From Butte, 34 signers.

From Butte, 26 signers, members of the Carpenters' and Joiners' Union.

From Marysville, Montana, 165 signers.

From Havre, Montana, 13 signers, members of Local Union No. 1086 Carpenters' and Joiners' of America.

From Havre, 22 signers.

From Missoula, Montana, 21 signers.

From Missoula, signed by 4 members of the International Union of United Brewery Workers of the United States, Local Branch No. 66.

From Missoula, 116 signers.

From Huson, Montana, 12 signers.

From Lothrop, Montana, 13 signers.

Kennedy moved that further consideration of these petitions be dispensed with at this time, and that the records show that these petitions had been received.

Ayes, 31; Noes, 31.

Mr. Speaker announced his vote as being Aye and thereby the motion was carried.

Vandyck requested that he be allowed to vote on the passage of House Bill No. 1 for the reason that when he agreed to enter into the pair for February 1st with Mr. Berry, they both were under the impression that the final passage of House Bill No. 1 would not come up today. That he and Mr. Berry were both in favor of the passage of the bill.

The Speaker ruled, that under the conditions stated, he would allow Mr. Vandyck to vote upon the final passage of House Bill No. 1.

House Bill No. 1 having been read three several times, was placed upon its final passage and was defeated by the following vote:

Ayes—Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Starz, Sullivan, of Jefferson, Sullivan, of Lewis and Clarke, Teskey, Vandyck, Walker, Williams, Wood, Wyman and Mr. Speaker—46.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, English, Everett, Forsythe, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Stevens, Sykes, Wiedeman and Wilson—22.

Absent and not voting—Berry, Fairbanks.

Paired—Sewell and Shannon—2.

Everett moved to adjourn. Motion lost.

Lanstrum moved that the rules be suspended, particularly that rule denying the man who voted upon the losing side of a question, the right to move for a reconsideration.

Ayes, 42; Noes, 23.

Motion lost on account of not having a two-thirds majority.

Bennett moved that the House now adjourn until 11 o'clock tomorrow.

Motion lost, Ayes, 24 ; Noes, 41.

Johnston moved for the suspension of the rule denying a person voting on the losing side of a question, the right to call for a reconsideration.

Mr. Speaker ruled the motion in order.

Lanstrum demanded that a call of the House be made.

All members found present except Berry and Fairbanks and Shannon.

Mr. Speaker instructed the Sergeant-at-Arms to require the presence, in the House, of Berry and Fairbanks.

On motion of Kennedy, further proceedings on the call of the House were dispensed with.

The Speaker made the following announcement:

"The Chair holds that where objection is made to a suspension of a standing rule, a two-thirds vote is required instead of a majority."

Johnston appealed from the decision of the chair.

On a roll call the chair was sustained, as follows:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Huntington, Kennedy, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams and Wilson—35.

Noes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Hewett, Johnston, Lannin, Lanstrum, Linderman, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—35.

Lanstrum moved to adjourn until 2 P. M. tomorrow.

Motion lost on division: Ayes, 27; Noes, 42.

Johnston moved that the Chief Clerk be instructed to record the names of Dempster and Lannin as voting "No" on the final passage of House Bill No. 1.

Chair ruled the motion in order. Motion carried: Ayes, 50; Noes, None.

Bennet moved to adjourn until 2 P. M. tomorrow. Motion lost.

Dempster gave notice as follows:

"Mr. Speaker:

I hereby give notice that I will tomorrow move to reconsider the vote on House Bill No. 1."

Lannin gave notice as follows:

"Mr. Speaker:

I give notice that on tomorrow I will second the motion to reconsider the vote on House Bill No. 1."

On motion by Linderman, at 6:40 P. M., the House adjourned until 2 P. M. tomorrow.

.....

Speaker.

.....

Chief Clerk.

THIRTY-SECOND DAY

Thursday, February 2, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All members present except Shannon.

Journal of yesterday read and corrected as follows:

"The Speaker ruled that, under the conditions stated, he would allow both Mr. Berry and Mr. Vandyck to vote upon the final passage of House Bill No. 1."

Mr. Speaker announced that, after reading the title, he was about to sign Senate Bill No. 5, "An Act to amend Section 2776, of the Code of Civil Procedure of the State of Montana, relating to compensation of executors and administrators."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Feb. 1, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were today introduced and read first and second time:

Senate Bill No. 39, by Maddox: A Bill for an Act entitled "An Act amending Title XII, of Chapter XIV, Part III, Article III, of the Code of Civil Procedure of the State of Montana, relating to the Powers and Duties of guardians by adding two Sections thereto, to be known as Sections 2989 and 2990."

Senate Bill No. 40, by Sherlock: A Bill for an Act increasing the Justices of

the Supreme Court to five, and fixing the first terms of the additional Justices, and providing for the election of their successors.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Feb. 1, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that notices of introduction of Bills were today given as follows:

By Donlan: A Bill for an Act entitled "An Act to amend Section 373 of the Code of Civil Procedure of Montana, by increasing the duties of Stenographers of District Courts."

By McCarthy: A Bill for an Act to authorize the organization of mutual Hail and Fire Insurance Companies.

Respectfully,
C. E. WIGHT, Secretary."

"Helena, Montana, Feb. 1, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Senate Bills Nos. 26 and 27 were today read third time and passed and are herewith transmitted to the House for its concurrence.

Also House Bill No. 87 was read third time and concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

House Bill No. 87 was referred to Committee on Enrollment.

The Speaker announced the following additions to the following Committees:

STATE LANDS—Add the name of Teskey.

FISH AND GAME—Add the name of Walker.

NOTICE OF BILLS.

The following notices were given:

By Murray, Chairman of Appropriations Committee: A Bill for an Act appropriating money for the payment of the claims of certain persons for Expenses Incurred in Transporting Prisoners to the Penitentiary during the years 1903 and 1904.

By Murray, Chairman of Appropriations Committee: A Bill for an Act to appropriate money for the payment of the deficiency claim of Mitchell and Mussigbrod for the care of Patients of the Insane Asylum for the year 1904.

By Leiper: A Bill for an Act entitled, "An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other Irrigation System of the National Government."

By Burt: A Bill for an Act entitled An Act appropriating money for the repayment, to Custer County, of the amount of State Taxes paid by said County upon the judgment in favor of the Western Ranches against said County.

By Patten: A Bill for an Act to amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the duties of butchers and other persons slaughtering cattle or purchasing hides.

By Johnston: A Bill for an Act entitled "An Act to amend Sections 1760 and 1761 of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts."

By Johnston: A Bill for "An Act to amend Section 3848 of the Civil Code of Montana, relating to satisfaction of mortgages."

By Blankenship: A Bill for an Act, "To change a portion of the boundary line between the Counties of Gallatin and Broadwater."

REPORTS OF STANDING COMMITTEES.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 78, 97, 81, 96, 92, 77, 103, 122 and 79, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 78, 97, 81, 96, 92, 77, 103, 122 and 79 were placed on file for General Orders.

Murray, from the Committee on Appropriations, reported as follows:

"Helena, Montana, Jan. 30, 1905.

Mr. Speaker:

Your Committee on Appropriations, having had under consideration all deficiency claims that have been presented to the State Board of Examiners by the Sheriffs of the State of Montana, for Transportation of Prisoners to the State Penitentiary during 1903-1904.

We find after consideration of each and every claim that the following amounts are due and owing to said Sheriffs from the State of Montana.

M. D. Gist, Beaverhead Co.	$ 260.00
M. W. Potter, Carbon Co.	1,254.30
H. E. Benner, Cascade Co.	615.60
George B. Williams, Dawson Co.	1,455.80
W. E. Savage, Custer Co.	1,530.00
L. P. Slater, Fergus Co.	1,061.90
T. J. Fowler, Gallatin Co.	653.30
Jeff O'Connell, Lewis and Clarke Co.	289.80
Chas. C. Hill, Madison Co.	157.30
C. H. Sherman, Meagher Co.	92.50
A. S. Robertson, Park Co.	805.00
Chas. Davis, Rosebud Co.	120.50
Joe Northway, Rosebud Co.	347.35
O. A. Fallang, Sweet Grass Co.	59.40
C. Wallace Taylor, Teton Co.	581.80
Harry Cosner, Valley Co.	1,268.80
Geo. W. Hubbard, Yellowstone Co.	1,412.70
Geo. A. Storrer, Deer Lodge Co.	114.10
John Buckley, Chouteau Co.	1,655.10
Total	$13,762.25."

On motion of Murray, report was adopted.

Leiper, from the Committee on Privileges and Elections, reported as follows:

"Mr. Speaker:

In the Matter of the Contest of the Election of E. E. Huntington to the Office of Representative of the County of Carbon in the Ninth Legislative Assembly, by John McCullough, Contestant.

We, your Committee on Privileges and Elections, beg leave to report that having made a thorough investigation of the matter of the above named contest, we find that the contestee, E. E. Huntington, was duly elected by the people of Carbon County as their Representative in this House.

We further recommend that the expenses of this contest be borne by the State."

On motion by Blake, report was adopted.

Also:

"Mr. Speaker:

In the Matter of the Contest of the Election of B. F. Bembrick to the Office of Representative of the County of Broadwater in the Ninth Legislative Assembly, by Louis Rotwitt, Contestant.

We, your Committee on Privileges and Elections, beg leave to report, that having made a thorough investigation of the matter of the above named contest, we find that the contestee, B. F. Bembrick, was duly elected by the people of Broadwater County as their Representative in this House."

On motion by Dempster, report was adopted.

Also:

"Mr. Speaker:

In the Matter of the Contest of the Election of James S. Schoonover to the Office of Representative of the County of Granite in the Ninth Legislative Assembly. by James McGowan, Contestant.

We, your Committee on Privileges and Elections, beg leave to report, that, having made a thorough investigation of the matter of the above named con-

test, we find that the contestee, James S. Schoonover, was duly elected by the people of Granite County as their Representative in this House."

On motion by Dempster, report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bennett: H. B. No. 132. A Bill for an Act to Amend Section 131, Article II, Title I, of the Civil Code of the State of Montana, and forbidding certain persons obtaining divorces from marrying again.

By Linderman: H. B. No. 133. A Bill for an Act entitled "An Act to regulate the rate per mile for transportation of passengers on Railroads or Railways, operated wholly or in part in the State of Montana, and providing penalties for the violation thereof."

By Coleman: H. B. No. 134. A Bill for an Act entitled, "An Act to amend Section 4596 of Chapter IV, Title II, Part IV of the Political Code of Montana, relating to the salaries of Deputies and classification."

By Coleman: H. B. No. 135, A Bill for an Act entitled, "An Act to amend Section 4602 of Chapter IV, Title II, Part IV, of the Political Code of Montana, relating to the number of Deputies allowed County Treasurer, Assessor, Auditor and County Attorney," and to repeal House Bill 89 of the Session Laws of 1901, entitled "An Act relative to the number of Assistant and Deputy County Attorneys in Counties of the first and second class, and allowing the County Commissioners to fix the Compensation thereof," approved March 4th, 1901.

There being no objection, the Speaker announced that he would allow Mr. Coleman to introduce three bills at today's session.

By Coleman: H. B. No. 136. A Bill for an Act entitled, "An Act providing for the selection of candidates for Elections by popular vote, and relating to elections."

By Sewell: H. B. No. 137. A Bill for an Act to Amend Section 1096 of Chapter 15, of the Penal Code relating to cruelty to animals.

By Buck: H. B. No. 138. A Bill for an Act to amend an Act entitled, "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," Approved March 8th, 1897, as amended by House Bill No. 13, Session of 1901, approved March 14th, 1901."

By Dempster, by Request: H. B. No. 139. A Bill for an Act to provide for the establishment of a Board of Architectural Examiners, and providing certain requirements and qualifications for the practice of Architecture in the State of Montana.

By Dempster, by Request: H. B. No. 140. A Bill far an Act entitled, "An Act to prohibit certain persons from conducting or maintaining Law Offices, To prevent certain persons from advertising or holding themselves out as Attorneys at Law, to prevent certain persons from acting as Attorneys at Law for compensation and to provide punishment for the violation of this Act."

MOTIONS AND RESOLUTIONS.

Lanstrum moved that a Committee of Three be appointed, by the Chair, to read the Journal each day; and report their recommendations to the House for its approval.

Motion carried and Mr. Speaker appointed Lanstrum, Brewster and O'Connor as such Committee.

Dempster moved for a reconsideration of the vote on House Bill No. 1.

Mumbrue demanded a roll call.

Motion for the reconsideration of the vote on House Bill No. 1 prevailed by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Williams, Wood and Wyman—45.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, English, Everett, Fairbanks, Forsythe, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Stevens, Sykes, Vandyck, Wiedeman and Wilson—24.

Absent and not voting—Mr. Speaker—1.

Paired—Sewell and Shannon—2.

Cone, from the Committee on Enrollment, reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this second day of February, 1905.

House Bill No. 53: An Act to amend Sections 471 and 473 of the Penal Code of the State of Montana, relating to Abandonment and Neglect of Children.

House Bill No. 22. An Act to amend Section 1 of an Act approved February 22nd, 1889, entitled, "An Act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to Pleadings in Civil Actions."

House Bill No. 12. An Act to provide for the Prevention and Eradication of Scabies among horses, mules, asses and cattle.

House Bill No. 28. An Act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure, relating to Exemptions and Restricting the Right to claim certain Exemptions to Married Persons and to Persons who are Heads of Families.

House Bill No. 87. An Act Appropriating Money for the Payment of the Claim of Conley and McTague for the care of Prisoners at the State Penitentiary at Deer Lodge."

Mr. Speaker announced: "The House will please take notice that the Speaker is about to sign, after reading title, House Bill No. 28, "An Act to amend Sections 1221 and 1222 of Chapter I, Title IX, Part II, of the Code of Civil Procedure relating to exemptions and restricting the right to claim certain exemptions to married persons and to persons who are heads of families."

Also:

"The House will please take notice that the Speaker is about to sign, after reading title, House Bill No. 22, "An Act to amend Section 1 of an Act approved February 22nd, 1889, entitled, "An Act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to Pleadings in Civil Actions."

Also:

"The House will please take notice that the Speaker is about to sign, after reading title, House Bill No. 53, "An Act to amend Section 471 and 473 of the Penal Code of the State of Montana, relating to Abandonment and Neglect of Children."

Also:

"The House will please take notice that the Speaker is about to sign, after reading title, House Bill No. 12, "An Act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle."

Also:

"The House will please take notice that the Speaker is about to sign, after reading title, House Bill No. 87, "An Act appropriating money for the payment of the claim of Conley and McTague for the care of Prisoners at the State Penitentiary at Deer Lodge."

On motion by Lanstrum, the House re-employed Victor Hebert and James Davies as Pages.

Berry moved that the two pages be considered as having been out of town on leave of absence, and that their pay be allowed for time absent.

On division of the House, motion lost, Ayes, 20; Noes, 40.

Mr. Speaker announced:

"Gentlemen: By your vote for a reconsideration of the vote on House Bill No. 1, you are about to vote upon the final passage of House Bill No. 1."

House Bill No. 1, failing to receive a two-thirds vote of the House, was defeated by the following vote:

Ayes: Berry, Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, Mac-

Ginnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood, Wyman and Mr. Speaker—45.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, English, Everett, Fairbanks, Forsythe, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Stevens, Sykes, Vandyck, Wiedeman, Williams and Wilson—25.

Paired—Sewell and Shannon—2.

READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended and all Bills upon the desk, except Appropriation Bills, were read second time by title.

S. B. No. 26, read first and second time, and referred to Committee on Judiciary.

S. B. No. 27, read first and second time, and referred to Committee on Judiciary.

H. B. No. 132, read first and second time, and referred to Committee on Judiciary.

H. B. No. 133, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 134, read first and second time, and referred to Committee on Judiciary.

H. B. No. 135, read first and second time, and referred to Committee on Judiciary.

H. B. No. 136, read first and second time, and referred to Committee on Privileges and Elections.

H. B. No. 137, read first and second time, and referred to Committee on Internal Improvements.

H. B. No. 138, read first and second time, and referred to Committee on Fish and Game.

H. B. No. 139, read first and second time, and referred to Committee on State Boards and Officers.

H. B. No. 140, read first and second time, and referred to Committee on Judiciary.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 55 was today read third time and concurred in as amended, and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second time:

Senate Bill No. 41, by Glidden: A Bill for an Act entitled "An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of intoxicating beverages, on the line of any railroad grade, irrigation ditch or canal in the course of construction."

Senate Bill No. 42, by Mahon: A Bill for an Act to compel Railway Corporations or Associations to maintain facilities for shipment and delivery of freight and passengers wherever there is a platted townsite of record upon the line of such railway having not less than one hundred inhabitants and providing a penalty for the violation of this Act.

Senate Bill No. 43, by Donlan: A Bill for an Act entitled, "An Act to amend Section 373, Title IV, Part I, of the Code of Civil Procedure of Montana, by increasing the Duties of Stenographers of District Courts."

Respectfully,

C. E. WIGHT, Secretary."

Mr. Speaker announced that, inasmuch as Dr. Lanstrum wished to be excused from serving on the Committee appointed to inspect and read the Journal, he would appoint Mr. Sewell as Chairman of that Committee.

The following Senate Amendment to House Bill No. 55, was read:

"Senate Amendment to House Bill No. 55.

Strike out the words "or knowing the same" in line 5, Section 541, of the Printed Bill."

Kennedy moved that the Senate Amendment to House Bill No. 55 be not concurred in; and that the Speaker appoint a Conference Committee of three members of the House, to confer with a like Committee of the Senate, upon this question.

Motion carried, and Mr. Speaker appointed Everett, Kennedy and Wiedeman as such Committee.

On motion by Lanstrum, the rules were suspended and the Bills were placed on third reading, after reading title and history.

House Bill No. 44, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—66.

Noes—None.

Absent and not voting—Cone, Murray, Macdonald, Shannon, Sykes and Teskey—6.

Title agreed to.

House Bill No. 42, having been read three seevral times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—Collier, Huntington, Macdonald and Roach—4.

Absent and not voting—Bembrick, Blankenship, Cone, English and Shannon—5.

Title agreed to.

House Bill No. 20, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jeferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Bennett, Bembrick, Cone, English, Leiper, Murray, Macdonald, Hewett and Shannon—9.

Title agreed to.

House Bill No. 75, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross,

Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Bennett, Bembrick, Cone, English, Harrington, Hayes, Hewett, Leiper, Murray, Murphy, Shannon and Sullivan of Lewis and Clarke—12.

House Bill No. 71, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murphy, Macdonald, O'Brien, Patten, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Bembrick, Cone, Hewett, Leiper, Mumbrue, Murray, MacGinnis, O'Connor, Potter, Quigley, Shannon, Walker and Williams—13.

Title agreed to.

House Bill No. 50, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Meunier, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—Selway and Wiedeman—2.

Absent and not voting—Bembrick, Blake, Cone, Hewett, Lannin, Leiper, Mulroney, Mumbrue, Murray, Murphy, O'Connor, Shannon, Starz and Williams—14.

Title agreed to.

House Bill No. 54, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—None.

Absent and not voting—Bembrick, Cone, Hewett, Hilman, Leiper, Mulroney, O'Connor and Shannon—8.

Title agreed to.

Substitute for House Bill No. 23, having been read three several times, was passed by the following vote:

Ayes—Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Reel, Richardson, Roach Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—58.

Noes—Mumbrue, Patten, Potter, Sullivan of Jefferson and Sykes—5.

Absent and not voting—Bennett, Berry, Bembrick, Fairbanks, Hewett, Hilman, Leiper, Quigley and Shannon—9.

Title agreed to.

House Bill No. 52, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Decker, English, Everett, Forsythe, Harrington, Hayes, Huntington, Johnston, Lanstrum, Linderamn, Metcalf, Meunier, Mulroney, Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sykes, Wiedeman, Williams, Wilson, Wood, and Mr. Speaker—46.

Noes—Canoll, Geyman, Hilman, Kennedy, Lannin, Mumbrue, O'Brien, Ross, Sanden, Sanders, Selway, Stevens, Sullivan of Lewis and Clarke, Teskey, Vandyck and Wyman—17.

Absent and not voting—Bembrick, Collier, Cone, Dempster, Fairbanks, Hewett, Leiper, Shannon and Walker—9.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following was read:

"Mr. Speaker:

I am directed by the Senate to inform the House that the President of the Senate today appointed Senators Miles, White and Durham to confer with a like committee from the House in regard to the necessity of visiting the various State Institutions, in accordance with the Concurrent Resolution offered by Senator Miles.

C. E. WIGHT, Secretary."

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 103, 73 and 66.

Lanstrum in the chair.

House resumed

Mr. Speaker in the chair.

Lanstrum, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Commitee of the Whole, having had under consideration House Bill No. 103, introduced by Cone, A Bill for an Act entitled, "An Act making it unlawful for any person to require the giving of surety bonds in corporations not authorized to transact business in the State of Montana", reports same back to the House with the recommendation that it do pass.

Also, having had under consideration House Bill No. 73, introduced by Coleman, A Bill for an Act entitled "An Act to enable Counties, Cities, Towns, and School Districts in the State of Montana to use automatic ballot machines at all elections therein", reports same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 2, line 26, by striking out the word "officer" after the word "proper" and inserting in lieu thereof the word "officers."

Amend Section 6, line 53, by changing the word "provision" to "provisions", after the words "of the".

Also having had under consideration House Bill No. 66, introduced by Meunier, A Bill for an Act to amend Sub-Division 5, Section 3701 of the Political Code of the State of Montana, relating to the Assessment of Property, reports same back to the House with the recommendation that it do pass."

On motion by Lanstrum, report was adopted.

House Bills Nos. 103, 73 and 66, with the amendments, were referred to the Committee on Engrossment.

On motion by Murray, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 97, 35 and 90.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 97, introduced by Cone, A Bill for an Act to amend Sections 3821 and 3822 and to repeal Section 3823 of the Political Code of the State of Montana, relating to the fiscal year for the State and County and to the reports of State and County Officers, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, line 9, by striking out the word "tenth" after the words "on the", and inserting in lieu thereof the word "thirty-first."

Also having had under consideration House Bill No. 90, introduced by Hilman, A Bill for an Act to Add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, Relating to the Qualifications and Disabilities of Electors, an Additional Section to be designated Section 1189, Relating to the Right of Suffrage of Deserters from the Military Service of the United States and from the Military Service of the State of Montana, reports same back to the House with the recommendation that it be re-referred to the Committee on Military Affairs.

Also having had under consideration House Bill No. 35, introduced by Murray, A Bill for an Act to Authorize and Empower Cities and Towns to Establish, Maintain and Regulate Public Bathing Places, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 7, by striking out the word "must" after the word "money", and inserting in lieu thereof the word "may". Also by striking out the word "must" after the word "bonds," and inserting in lieu thereof the word "may."

On motion by Murray, report was adopted.

House Bills Nos. 97 and 35, with the amendments, were referred to the Committee on Engrossment.

House Bill No. 90 was re-referred to the Committee on Military Affairs.

On motion by Kennedy, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 89, 80 and 68.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett moved that, when the House adjourn, it adjourn until 2 P. M. tomorrow, the 3rd instant. Motion carried.

Lanstrum, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 80, introduced by Johnston, "A Bill for an Act to amend Article III, Chapter I, Title X, Part II, of the Penal Code of Montana by adding thereto a Section numbered 2367, and relating to the duties of the Clerk of the District Court in approving bail offered for persons indicted or against whom an information has been filed", reports same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 68, introduced by Johnston, A Bill for an Act entitled "An Act to amend Section 1020 of Chapter II, Title VIII, Part II, of the Code of Civil Procedure of Montana, and providing for the entry of Judgment upon failure to answer or to challenge the Jurisdiction of the Court", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 89, introduced by Sewell, A Bill for an Act entitled, "An Act to amend Section 1054 of the Political Code, as amended by Chapter LXIV of the Laws of 1903, by adding thereto a Subdivision relating to trespass on vacant buildings", reports same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 1, line 23, by striking out the word "or" after the word "portion", and inserting in lieu thereof the word "of".

Amend Section 1, lines 20, 21 and 22 by striking out, after the word

"another", the words "when there is posted upon such premises in one or more conspicuous places a notice warning against such trespass."

Amend Section 1, line 20, by striking out, after the word "Hunts" the words "or fishes."

Amend the Bill by inserting a new Section to be known as Section 2, and to read as follows:

"Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amend Section 1, line 24, by changing the words "doors or windows" to "door or window", after the word "closed".

Amend the title by inserting after the figures "1903", the words "relating to trespass and".

On motion by Lannin, report was adopted.

House Bill No. 80 was re-referred to the Committee on Judiciary.

House Bills Nos. 68 and 89, with amendments, were referred to the Committee on Engrossment.

On motion by Bennett, at 5:55 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

THIRTY-THIRD DAY

Friday, February 3rd, 1905.

House met pursuant to adjournment at 2o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called, and all members present except Geyman, MacGinnis and Shannon.

Sewell made the following report:

"Mr. Speaker:

Your Commitee on House Journal, having read and examined same, beg to report same as correct."

On motion by Lanstrum, report was adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"HOUSE CONCURRENT RESOLUTION NO. 10.

RESOLVED, by the House of Representatives of the Twenty-third Legislative Assembly of the Territory of Arizona, the Council concurring:

That we appeal to the justness and fairness of the members of the various State Legislatures now in session and call upon them to request and urge their respective representatives in the Senate of the United States to give careful and just consideration to the protests and objections advanced by the citizens of the Territory of Arizona against the passage of the measure now pending before the Senate of the United States designed and seeking to make one State of the Territories of Arizona and New Mexico.

RESOLVED, that the Speaker of the House and the President of the Council be instructed, and they are hereby directed, to send a copy of the Resolution to the various State Legislatures that are now in session.

Passed the House by unanimous vote.

J. P. DILLON, Chief Clerk of the House.

WILFRED T. WEBB, Speaker of the House.

Passed the Council by unanimous vote.

R. S. MACLAY, Chief Clerk of the Council."

GEO. W. P. HUNT, President of the Council.

Referred to Committee on Federal Relations.

"Helena, Montana, Feb. 2, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House

Bill No. 26 was today not concurred in by the Senate; and the same is herewith returned.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 3rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 56 was today read third time and concurred in and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

House Bill No. 56 was referred to Committee on Enrollment.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second time:

Senate Bill No. 44, by Martien: A Bill for an Act to provide for the Taxation of Mortgages, Deeds of Trust, Contracts and other obligations by which a debt is secured. and to create a lien for such taxes upon the property affected.

Also notice of introduction of the following Bill was given:

By Maddox: A Bill relating to the Compensation of Officers and Employes of the Legislative Assembly.

Respectfully,

C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notice was given:

By Huntington: A Bill for an Act entitled An Act to prevent the sale of Liquors on Credit.

REPORTS OF SELECT COMMITTEES.

The following were read:

"Mr. Speaker:

We, your Committee appointed to meet with the like Committee from the Senate, for the purpose of conference as to the advisability of investigating the State Institutions, beg leave to report as follows:

We recommend that Committees of three, consisting of one Senator appointed by the President of the Senate, and two representatives appointed by the Speaker of the House, for the purpose of visiting the Deaf and Dumb School at Boulder, the School of Mines at Butte, the Insane Asylum at Warm Springs, and the State University at Missoula; also that a like committee be appointed to visit the Agricultural College at Bozeman.

It is further recommended that these committees visit the said named institutions at their pleasure.

BLAKE, Chairman."

On motion by Blake, report was adopted.

To the Honorable, the Senate and House of Representatives of the Ninth Legislative Assembly of the State of Montana:

We, your special joint commitee of investigation, appointed by virtue of Concurrent Resolution No. 1, to inquire into certain charges and accusations against the management of the State Penitentiary, beg leave to report as follows:

The basis for this investigation grew out of the publication of a book written by an ex-convict of the penitentiary. Your committee made a thorough and searching investigation into each and every accusation.

One Thomas F. O'Brien, an ex-convict and the accuser, testified on oath before the committee that he witnessed an assault made upon a prisoner named Holmes, alias Perry, by Warden Thomas McTague; also that the man died as the result of a blow struck with a black-jack by the said McTague. Many witnesses were examined upon this point, including a prisoner who was received in the penitentiary at the same time with Holmes, alias Perry. While Tom O'Brien testified that he saw the man struck in the morning, the evidence was overwhelming and conclusive that the prisoner was received after 9 o'clock in

the evening; that he was in a stupor at the time from the effects of a drug taken by him in Butte and that he died the following morning in the hospital of the prison. There was no evidence that the man had been struck beyond the testimony of O'Brien. On the contrary the evidence was positive that this prisoner had not been molested. A Certified copy of the proceedings at the inquest held upon the body of Holmes, alias Perry, together with the verdict of the coroner's jury, which found that the man died from an overdose of morphine or opium, taken before he was received into the penitentiary, has been filed with the Board of Prison Commissioners by this Committee.

The charge that the contractors utilize convict labor in their farming enterprise and in cutting wood is admitted, but we find that the state board of prison commissioners, which makes the rules for the conduct and management of this Institution, has given the contractors permission to employ these men. The prisoners prefer to be placed to work. Those so employed enjoy extra privileges and there are more applicants for work than can be used. Those who chop wood are expected to cut one cord of wood as a day's work and for each additional cord they cut they are paid fifty cents a cord.

The charge that convicts are employed as servants in private houses in Deer Lodge has no foundation that we could find.

It was also charged that the contractors sell products of their ranches and dairy in the open market. We found that the dairy contains sixty-eight cows and that the butter manufactured in the creamery is exchanged to merchants for syrup and dried fruits, which are furnished to the convicts, although this is not required by the board of prison Commissioners.

The charge that wood is sold is true only to the extent that the contractors deliver wood to their guards and employes who have families, as near as we could ascertain, for one dollar per cord, said to be the actual cost of cutting and delivery.

The accusation that the prison contractors "stood in" with a certain lawyer of Deer Lodge, who was said to have been employed to secure pardons for convicts, was not substantiated. The charge that prisoners are punished for refusing to go out and work is equally groundless. Nearly every prisoner questioned on this point said it was not true and that the men were only too eager to get a chance to work.

We find no ground for the accusation that a member of the State Board of Charities accepted a check from the prison contractors, to make a favorable report on the penitentiary. The accuser, O'Brien, told the committee that this was merely assumption on his part.

Your Committee made a thorough investigation into the charge that a former female prisoner, one Gene Vaugn, became pregnant while incarcerated in the penitentiary and was pardoned on this account. The evidence showed that the woman had been a prostitute and that this ruse was part of a plot to try and effect the release of two other convicts. The woman is now a resident of the State of Washington, and a physician's certificate has been filed with the state board of prison commissioners, verifying the belief that the woman had never been in the condition mentioned.

The charge made by O'Brien that he was turned out of the prison with insufficient clothing and worn-out shoes, is contradicted by a receipt over his signature, which shows that he received a full complement of wearing apparel and five dollars in cash.

Arriving in Deer Lodge the afternoon of January 21, the committee immediately proceeded to the penitentiary and inspected everything possible until 6 o'clock. Many prisoners were questioned as to complaints they had to make and all of those who asked to be heard were granted the opportunity. A number of them, anticipating the visit of committee had prepared written statements. The wardens gave the committee every facility for making a complete investigation. We found the prison in good sanitary condition and the convicts as they passed in line to the dining-room appeared to be in the best of health.

In the female ward there are seven women in charge of a matron. They had no complaints to make and spoke in terms of praise as to the treatment they

received. There are 462 inmates in the penitentiary at the present time and their general physical condition is good.

At 8 o'clock in the evening the committee began the taking of testimony under oath in the office of the penitentiary and remained in session until 11:30 o'clock. The following morning, Sunday, at 9:30 further testimony was taken in the penitentiary from convicts until 7:30 P. M. and a further inspection of the prison, hospital, dungeon and all outside departments was made.

The Committee found that the hospital facilities are inadequate and faulty in the extreme. This condition of the hospital, both as to sanitation and location is bad and we heartily endorse the suggestion of the contractors that the hospital be transferred to the present women's department. In his message two years ago the governor recommended to the legislature a suitable appropriation to erect an annex to the penitentiary for female prisoners. We earnestly recommend that an appropriation of three thousand dollars, or so much thereof as may be necessary, be made for the construction of a new enclosure and building outside the south end of the present main wall for the keeping of the female prisoners. All of the construction work can be done by the convicts. At present the women are in the same yard with the male prisoners and have no opportunity for taking exercise without coming in contact with them which, we agree with the management, is unwise.

The penitentiary has a musical organization of thirty-five pieces and a bandmaster whose salary is paid by the contractors. The band is a creditable organization but it is in need of some new instruments. We recommend that a suitable appropriation be made for the purchase of such instruments as are required, to further encourage this organization.

On the morning of January 23d the committee again visited the penitentiary and took further testimony and at noon departed for Helena. Additional testimony was taken in the capitol January 31 from witnesses from Butte, Bozeman and Deer Lodge.

The accusation of immoral practices and unmentionable crimes was gone into quite extensively by your committee and prisoners were examined in their cells, and in executive session without the attendance of prison officials, so that they might be free to talk. The testimony made it apparent that there is foundation for the charge that these crimes and practices exist to a certain extent. It was also brought out that many of those suspected and accused, are young men who were formerly inmates of the state reform school and had apparently acquired the habit there. We would recommend that the faculty and trustees of that institution investigate the matter. In the peniteniary we find that the management has tried to check the vice and have taken the precaution to prevent it to the best of their ability. From the testimony of convicts who have served terms in other prisons we are led to believe that our penitentiary has a minimum percentage of inmates practicing this vice. While it is admittedly a difficult problem to solve, as it is hard to catch the guilty ones, still it is the opinion of your committee and also of the wardens, that a practical solution as a means of stopping or diminishing it, would be to give the men out-door hard work to occupy their minds.

This subject is too grave to be easily disposed of by this investigation and for the consideration of this question, and also for the purpose of inquiring into the advisability or inadvisability of the state conducting the penitentiary and doing away with the present contract system, your committee recommends that a special committee of three hold-over senators, namely Senator B. F. White, Senator S. H. Glidden and Senator W. W. Harper, be appointed to make a thorough investigation and report to the Tenth Legislative Assembly of the State of Montana.

Respectfully submitted,

A. W. MAHON, Chairman.
B. F. WHITE,
S. H. GLIDDEN,
JNO. E. O'CONNOR,
C. E. CARRIHER,
O. M. LANSTRUM,

Special Joint Investigating Committee of the Ninth Legislative Assembly of the State of Montana."

On motion by Berry, seconded by Linderman, the report was adopted.

Mr. Speaker appointed the following Committees to visit State Institutions:

Committee to visit the Deaf and Dumb Asylum, at Boulder, School of Mines, at Butte, Insane Asylum at Warm Springs, and the State University at Missoula: Blake and Macdonald.

Committee to visit the Agricultural College at Bozeman: Carriher and Coleman.

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 89, 66, 103, 73, 97, 35, 68, as correctly engrossed."

Report accepted and House Bills Nos. 89, 66, 103, 73, 97, 35 and 68 were placed on file for third reading.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 24 has been returned correctly printed and is ready for General Orders."

Report received and House Bill No. 24 was placed on General Orders.

Murray, from the Committee on Appropriations, reported as follows:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 102, introduced by O'Connor, "A Bill for an Act regulating, permitting and licensing gambling, prohibiting the playing of certain games and fixing the penalties for violation thereof, beg leave to refer the same back to the House with the recommendation that it do pass."

On motion by Murray, report adopted.

House Bill No. 102 was referred to Committee on Printing.

Blake, from the Committee on Education, reported as follows:

"Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 74, A Bill for an Act entitled, "An Act to provide that all graduates of the University of Montana, who have taken at least one year in the Department of Psychology and Method shall be entitled to teach in the Public Schools in Montana without further or other examination," report same back to the House with the recommendation that it be printed."

On motion by Wyman, report adopted.

House Bill No. 74, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 94, "A Bill for an Act to amend Section 1920, Part III, Title III, of the Political Code of the State of Montana, as amended by an Act approved March 3rd, 1903, relating to the compulsory education of children between the ages of 8 and 16 years," recommend that Section 1 be amended so as to read as follows:

All children between the ages of 14 and 16 years, not engaged in some regular employment, shall attend school for the full term that the schools of the district in which they reside are in session during the school year, unless excused for the reason above named. Any parent, guardian or other person having the care of a child between the ages of 8 and 14 years, who shall in violation of the provisions of this section, fail to place such child in school at the commencement of the annual school term, within the time prescribed in this section, or who shall fail to cause such child to attend, during the entire time such school is in session, shall upon conviction, be fined not less than five dollars nor more than twenty dollars.

Report the same back to the House with the recommendation that it do pass as amended."

On motion by Blake, report adopted.

House Bill No. 94, with amendment, referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 125, "A Bill for an Act to amend Section 1520 of the Political Code of the

State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of State or Life Diplomas, and the issuance of Temporary State Certificates," report the same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 125 was referred to Committee on Printing.

Ross, from the Committee on Labor, reported as follows:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 110, "A Bill for an act entitled An Act to determine the Liability of Persons or Corporations Operating Mines, Smelters or Mills in this State for damages sustained by Employes thereof, and to declare void Contracts Restricting Liability," beg leave to refer the same back to the House, with the recommendation that it do pass with the following amendment:

Amend House Bill 110 by inserting the following as Section 3.

Section 3. In case of the death of any such employees in consequence of any injury or damage so sustained, the right of action shall survive and may be prosecuted and maintained by his heirs, or personal representatives.

And amend Section 3 by making the same Section 4, and also amend Section 4 by making the same Section 5."

Also:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration Senate Bill No. 18, "A Bill for an act entitled An Act prohibiting the Employment of Children under Sixteen years of age, in underground mines, and providing Penalties for the violation of the provisions thereof," beg to refer the same back to the House with the recommendation that it be concurred in as amended, as follows:

Amend Section 3, on line three, after the word "not" by striking out the remainder of that Section, and inserting therein the following: "less than Twenty-five ($25) Dollars nor more than ($500) Five Hundred Dollars or by imprisonment in the County Jail for a period of not less than Thirty days nor more than Six Months, or by both such fine and imprisonment."

Signed, ROSS, Chairman."

On motion by Wilson, the report on House Bill No. 110 was adopted.

House Bill No. 110 with amendments, referred to Committee on Printing.

On motion by Ross, report on Senate Bill No. 18 was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Mulroney: H. B. No. 141: A Bill for an Act entitled, "An Act to secure better safety to operatives and passengers upon railroad trains, and providing a penalty for the violation thereof."

By Wyman: H. B. No. 142, A Bill for an Act to amend Section 752, Title XI, Part I, of the Penal Code of the State of Montana, relating to crimes against the public peace.

By Leiper: H. B. No. 143, A Bill for an Act entitled, "An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other Irrigation System of the National Government."

By Collier: H. B. No. 144, A Bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen and trainmen, and to provide a penalty for the violation thereof.

By Schoonover: H. B. No. 145, A Bill for an Act entitled, "An Act to amend Section 1055 of the Civil Code of the State of Montana."

By Blankenship: H. B. No. 146, A Bill for an Act to extend the boundaries of Gallatin County and to alter the boundaries of Broadwater County to conform thereto.

By Potter: H. B. No. 147, A Bill for an Act changing the Eighth and Eleventh Judicial Districts of the State of Montana so that the Eleventh Judicial District shall be composed of Flathead County and the Eighth Judicial District shall be composed of Cascade and Teton Counties; Providing for the transaction of Judicial Business in the Counties of Cascade and Teton; and to amend an Act entitled, "An Act entitled, An Act to amend Section 32, Title I, Part I, Chapter IV, of the Code of Civil Procedure and to provide for an additional Judge for the

Second Judicial District of the State of Montana," passed by the Seventh Legislative Assembly, and approved March 11th, 1901, and to provide for an additional Judge for the Eighth Judicial District of the State of Montana.

By Patten: H. B. No. 148, A Bill for "An Act to amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the duties of butchers and other persons slaughtering cattle and purchasing hides."

By Johnston, by request: H. B. No. 149, A Bill for "An Act to amend Section 3848 of the Civil Code of Montana, relating to the satisfaction of Mortgages."

By Johnston, by request: H. B. No. 150, A Bill for an Act entitled, "An Act to amend Sections 1760 and 1761 of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts."

READING OF HOUSE BILLS.

The following bills were taken from the file:

On motion by Bennett, all Bills, except Appropriation Bills, were read first and second time by title only.

H. B. No. 141, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 142, read first and second time, and referred to Committee on Judiciary.

H. B. No. 143, read first and second time, and referred to Committee on Irrigation and Water Rights.

H. B. No. 144, read first and second time, and referred to Committee on Labor.

H. B. No. 145, read first and second time, and referred to Committee on Judiciary.

H. B. No. 146, read first and second time, and referred to Committee on Townships and Counties.

H. B. No. 147, read first and second time, and referred to Committee on Judiciary.

H. B. No. 148, read first and second time, and referred to Committee on Judiciary.

H. B. No. 149, read first and second time, and referred to Committee on Judiciary.

H. B. No. 150, read first and second time, and referred to Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended, and the Bills were placed upon their final passage after reading of title and history.

House Bill No. 27 was read the third time.

Lannin moved that the enacting clause be stricken out.

Substitute motion by Johnston, that the third reading of House Bill No. 27 be postponed until next Friday.

Substitute motion carried and House Bill No. 27 was placed on file for third reading next Friday.

House Bill No. 89, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blankenship, Brewster, Blake, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, English, Fairbanks, Harrington, Hayes, Huntington, Johnston, Lanstrum, Metcalf, Meunier, Mulroney, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Sales, Sanden, Sanders, Schoonover, Selway, Stevens, Sullivan of Jefferson, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—45.

Noes—Dempster, Hewett, Hilman, Lannin, Murphy, O'Brien, Roll, Starz, Sullivan of Lewis and Clarke, Teskey and Wyman—11.

Absent and not voting—Bembrick, Brigham, Cone, Everett, Forsythe, Geyman, Kennedy, Leiper, Linderman, Mumbrue, Murray, MacGinnis, O'Connor, Ross, Sewell, Shannon—16.

Title agreed to.

House Bill No. 68, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Fairbanks,

Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lanstrum, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Macdonald, O'Brien, Potter, Quigley, Reel, Richardson, Roach, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—54.

Noes—Dempster, Hewett, Lannin, Murphy, Patten, Stevens and Sullivan of Jefferson—7.

Absent and not voting—Bembrick, Everett, Geyman, Kennedy, Leiper, Linderman, MacGinnis, O'Connor, Roll, Ross and Shannon—11.

Title agreed to.

House Bill No. 35, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone. Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan, of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Carriher, Geyman, Kennedy, Leiper, MacGinnis, O'Connor, Patten, Ross and Shannon—9.

Title agreed to.

House Bill No. 97, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—Hewett—1.

Absent and not voting—Geyman, Kennedy, Leiper, MacGinnis, O'Connor, Ross and Shannon—7.

Title agreed to.

House Bill No. 73, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—60.

Noes—Potter—1.

Absent and not voting—Bembrick, Fairbanks, Geyman, Kennedy, Leiper, Mulroney, MacGinnis, O'Connor, Ross, Shannon and Wilson—11.

Title agreed to.

House Bill No. 103 having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan, of Jefferson,

Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—Bennett—1.

Absent and not voting—Bembrick, English, Geyman, Kennedy, Leiper, MacGinnis, O'Connor, Ross, and Shannon—9.

Title agreed to.

House Bill No. 66 was read third time.

Everett moved to strike out the enacting clause of House Bill No. 66.

Roll call demanded, and motion to strike out enacting clause, was carried by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Linderman, Metcalf, Mumbrue, Patten, Potter, Richardson, Roll, Sales, Sanders, Selway, Sewell, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—37.

Noes—Berry, Bembrick, Canoll, Coleman, Collier, Dempster, Harrington, Huntington, Johnston, Lannin, Meunier, Mulroney, Murray, Murphy, Macdonald, O'Brien, Quigley, Reel, Roach, Ross, Sanden, Schoonover, Starz, Stevens, Sullivan of Lewis and Clarke, Walker, Wood and Wyman—28.

Absent and not voting—Geyman, Hayes, Kennedy, Leiper, MacGinnis, O'Connor and Shannon—7.

GENERAL ORDERS.

On motion by Canoll, the House resolved itself into a Committee of the Whole, for the consideration of House Joint Concurrent resolution No. 3; and House Bills Nos. 77 and 91.

Wilson in the chair.

House resumed.

Mr. Speaker in the chair.

Wilson, from the Committee of the Whole reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Joint Concurrent Resolution No. 3, introduced by Canoll, requesting Senators and Representatives in Congress to support the Hearst Interstate Commerce Bill.

WHEREAS, The people of every State in this Union, and the shippers of Montana in particular, would be greatly benefited by having the powers of the Interstate Commerce Commission increased, and

WHEREAS, the President of the United States, the Hon. Theodore Roosevelt, did in his message to Congress now in session recommend that the powers of said Commission be extended, therefore be it

RESOLVED, BY THE SENATE AND THE ASSEMBLY OF THE STATE OF MONTANA, JOINTLY, THAT OUR SENAORS AND REPRESENTATIVES IN CONGRESS BE REQUESTED TO VOTE FOR AND USE ALL HONORABLE MEANS TO SECURE THE PASSAGE OF THE HEARST INTERSTATE COMMERCE BILL.

RESOLVED, That a copy of these resolutions be forwarded by the Secretary of State to His Excellency, the President of the United States; to the Hon. W. R. Hearst, Representative in Congress, and to each of our Senators and Representatives in Congress, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 77, introduced by Berry, A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State, for their approval or rejection, an amendment to Section 2, of Article IX, of the Constitution of the State of Montana, in relation to the right of suffrage," reports same back to the House with the recommendation that further consideration of it be deferred until February 10th, 1905.

Also having had under consideration House Bill No. 91, introduced by Patten, A Bill for an Act entitled "An Act to establish a Geological Survey of Montana," reports same back to the House with the recommendation that the enacting clause be stricken out."

On motion by Lannin, report was adopted.

House Joint Concurrent Resolution No. 3 was referred to Committee on Engrossment.

House Bill No. 77 was placed on General Orders for February 10th, 1905.

On motion by Murray, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 78, 79 and 92.

Wilson in the chair.

House resumed.

Mr. Speaker in the chair.

Wilson, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 78, introduced by Berry, A Bill for an Act entitled "An Act to Punish Disorderly conduct on trains, and to empower Train Conductors to Make Arrests in Certain Cases," reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 79, introduced by Berry, A Bill for an Act entitled An Act to amend Section 1191, of Chapter II, of Title XV, of Part I, of the Penal Code of Montana, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 4, by striking out the words "on any railroad track, or."

Also having had under consideration House Bill No. 92, introduced by Mumbrue, A Bill for an Act entitled "An Act to amend Section 448 of the Political Code of the State of Montana, relating to quarterly reports of the State Treasurer." reports same back to the House with the recommendation that the enacting clause be stricken out."

On motion by Sanden, report adopted.

House Bill No. 79, as amended, was referred to the Committee on Engrossment.

On motion by Everett, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 81, 96 and 122.

Wilson in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum moved that when the House adjourn, it adjourn until 2:30 P. M. Monday, the 6th Instant. Motion carried.

Wilson, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 81, introduced by Johnston, A Bill for an Act "to Amend Section 1736, Chapter I, Title XIII, Part II, of the Code of Civil Procedure of Montana, and relating to appeals from Judgments," reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 5, by striking out the word "replies" after the word "appellant," and inserting in lieu thereof the word "relies."

Also having had under consideration House Bill No. 96, introduced by Mulroney, A Bill for an Act to amend an "Act to authorize the appointment of a Commissioner for the measurement and division of water under decree of court in certain cases," approved March 2nd, 1899, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 11, by striking out, after the word "however" the colon and dash (:—), and inserting in lieu thereof a comma (,) and the word "that."

Amend Section 1, line 11, by inserting after the word "fifty" the word "one."

Amend Section 2, line 29, by inserting after the word "Commissioner" the words "or Commissioners."

Also having had under consideration House Bill No. 122, introduced by Johnston, A Bill for "An Act to amend Section 37, of Chapter IV, Title I, Part I, of the Code of Civil Procedure of Montana, and providing compensation for Pro Tempore Judges of the District Court," reports same back to the House with the recommendation that the enacting clause be stricken out."

On motion by Lannin, report was adopted.

House Bills Nos. 81 and 96, as amended, were referred to the Committee on Engrossment.

On motion by Wyman, at 5:25 P. M. the House adjourned.

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Speaker.

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Chief Clerk.

ADDITION TO THE JOURNAL OF WEDNESDAY, THE 31st DAY OF THE SESSION.

Recorded in the Journal by the request of Mr. Speaker and Members of the House.

Remarks on House Bill No. 1, the Initiative and Referendum Bill known as the Lanstrum and Dempster Bill, in the Committee of the Whole.

By Lanstrum: "I move that when this Committee rise to report back to the House having had under consideration House Bill No. 1, that they recommend it do pass as amended."

By Leiper: "I move you as a substitute that substitute bill for House Bills No. 1 and 2 as recommended by the Committee on Privileges and Elections be adopted."

By Lanstrum: "Substitute for House Bills number 1 and 2 are not before the House in any regular manner and cannot be recognized in any way,—therefore the gentleman's motion is out of order."

By Chairman: The chair rules a substitute is in order and the point is not well taken."

By Leiper: It seems to me, Mr. Chairman, that all of us, regardless of party, believe and are pledged by our party platform for an Initiative and Referendum. It is proposed and it has been urged by the gentlemen introducing Substitute for House Bills Nos. 1 and 2 which have been merged into one and known as the Lanstrum and Dempster Bill that this is not the Oregon Law. I have before me the Oregon Law as it appears on the Statute Books today. The first point raised by the people is the Initiative and Referendum. We have not now before us the Oregon Law but a law gotten up by somebody, somewhere,—it is not the Oregon Law as talked of. You will find this,—and it is a matter of history known to every man in this house—that when our people met to adopt a constitution for this United States, that the smaller states, speaking from the point of population, demanded an equal voice in the passage of laws. So great was their clamor that they were finally recognized, and gentlemen, today the people of the State of Montana with from three to four hundred thousand population have the same voice in the government of the United States as is had by the people of New York with their five or six millions. The same clamor existed when the constitution was adopted by the smaller counties of the state; the small counties speaking from a justifiable point of view clamored for an equal voice in the enactment of laws, and today as our constitution now stands, Dawson and Rosebud Counties—and I believe that Rosebud has the smallest population of any county in the state—have the same voice and power in the enactment of laws as has Silver Bow or any other County in this State, and we are loathe to give that right up. Dawson County has one vote the same as Silver Bow and we are not prepared to give that up. Again we wish to call your attention, at this time, to a mistake made by the printer in printing our bill."

By Kennedy: "I rise to a point of order, Mr. Chairman, when we went into a Committee of the Whole in body of the House, the resolution was adopted that the House go into a Committee of the Whole for the consideration of House Bill No. 1 and the gentleman from Dawson County is now speaking on Substitute for House Bills Nos. 1 and 2, that we decided not to consider."

By Lanstrum: "I move that the consideration of Substitute for House Bills Nos. 1 and 2 be considered out of order." Seconded by Dempster.

By the chair: "The chair distinctly announced that the gentlemen should wait until recognized before addressing the chair and I object, as chairman of this committee, to any member talking until he has been so recognized.

By Lanstrum: "I move that the further consideration of Substitute for House Bill Nos. 1 and 2 be discontinued." Seconded by Dempster.

By Leiper: "I rise to a point of order; in a Committee of the Whole, any motion limiting a debate is out of order."

By Chairman: "The chair stands corrected; the gentleman is right."

By Lanstrum: "Mr. Chairman I rise to appeal from your decision on the point of order." Appeal seconded.

By Kennedy: "While I am in entire accord with the gentleman, Dr. Lanstrum, and would like to see his motion prevail, we all know that an appeal cannot be made from the decision of the chair in a Committee of the Whole."

By the Chair: "I yield to superior knowledge; the point is well taken."

By Kennedy: "In order to avoid this discussion,—and I cannot refrain from saying that I regret the unfortunate ruling of the chair at this time, and I move that the Committee do now rise and report progress."

By the Chair: "It has been moved and seconded that this Committee do now arise and report progress."

Division: 35 in favor; 33 opposed to motion.

By Hedges: "I desire to call your attention to the fact that the Committee has dissolved without instructions."

By the Chair: "What is the pleasure of the House?"

By Kennedy: "I move that this House do now resolve itself into a Committee of the Whole, with Mr. Hewett of Jefferson in the Chair.

By Leiper: "I rise to amend the motion made by the gentleman from Silver Bow, that this House do now resolve itself into a Committee of the Whole with Mr. Lannin in the chair."

Amendment prevails. Lannin in the Chair.

By Lanstrum: "I move that when this House resolve itself into a Committee of the Whole, that debate concerning Initiative and Referendum be restricted to House Bill No. 1."

Motion prevails.

By the Chair: You have now before you for consideration House Bill No. 1. The Clerk is instructed to read the title and history of the Bill."

By Lanstrum: "I move that House Bill No. 1 be considered as read at length, and I move that when this Committee, after having had under consideration House Bill No. 1, report; that they report same back to the House with the recommendation that it do pass."

By Leiper: "I desire to speak in connection with House Bill No. 1."

By Dempster: "He made it a motion that all debates be cut off, therefore the gentleman's request is out of order."

By the Chair: "The point is not well taken."

By Leiper: "I was speaking a few minutes ago on the fact that, if you are going to adopt any radical measure like House Bill No. 1, that you are revolutionizing the present system of government, adopted by the United States and by every State in the Union. This Bill is a Bill proposed in the cause of justice,—I submit it to any fair-minded man if it be justice to allow one county greater power than another. If this is the case then our representative system must have proven a failure.—has it? If this democratic government has not proven a failure then it is not necessary to change it. Then again, I wish to call your attention to another point of this Bill which does not say one word on this matter; you are doing this when this measure passes; you are permitting the people and referendum by 5 per cent to vote upon and change the whole system."

By Dempster: "I rise to a point of order; the gentleman is mis-stating facts; I believe however, in fairness to the gentleman, unintentionally; this bill has been so amended I believe that it now reads 8 and 10 per cent."

By Kennedy: "The Bill has not been amended at all in the Committee of the Whole."

By the Chair: "It will be necessary at this time to make the amendments."

By Leiper: "The motion was made by Dr. Lanstrum that the bill be considered read."

By the Chair: "The Chair holds that this Committee has a right to reconsider its former action."

By Leiper: "Do I consider that the debate at this time is cut off?"

By the Chair: "No, sir."

By Leiper: "In this Bill the voters of the State may determine that Silver Bow County shall regulate that the voters of the State, by a petition signed by 8 per cent of the voters, may regulate the number of representatives of this House and they may say that the Senate may be composed according to the population of each county and each county shall have but one Senator and that 1,000 votes as against Silver Bow's 20,000 votes—where are we at? It is claimed that 10 per cent cannot be had, therefore it shall be necessary to reduce it. Last week we had before us a semi-annual tax bill for consideration and without our asking there were three counties which appeared before that Committee and,—and one of these counties was Gallatin. Mr. ———— presented a petition signed by 14 per cent of the voters of the rural districts of Gallatin County and he told that committee that he had spent about one afternoon in getting those signatures. It is not possible to get 10 per cent. I shall not take up more of your time. I believe this: I believe that the Initiative and Referendum is right, properly guarded. I believe further that our only hope lies in Democratic form of government and that until that form has proven a failure we must not go back on it. The only hope at all that we have lies in a Democratic form of government."

By the Chair: "This Section 1 is now before you."

By Lanstrum: "I move that we re-consider our action and that the bill be read section by section and that it be open for amendment."

Motion carried.

By the Chair: "Are you ready for the question?"

By Lanstrum: "I move that Section 1 be considered read at length and open for amendment."

By Bennett: "I move to amend Section 1 as follows; that Sec. 1, Art. 5 of said Constitution shall be amended to read as follows:

Section 1. The legislative power of the State of Montana shall be vested in a legislative assembly consisting of a Senate and a House of Representatives, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the legislative assembly, and also reserve the power at their own option to approve or reject at the polls any act of the Legislative Assembly. The first power reserved by the people is the Initiative and not less than 10 per cent of the legal voters of the State, which 10 per cent must be obtained in a majority of the Counties of the State and each county of said majority must furnish as signers of said petition at least 10 per cent of the legal voters therein, shall be required to propose any measure by petition and every such petition shall include the full text of the measure so proposed; provided, however, that the Initiative shall not apply to Article 6 of the Constitution of the State of Montana. Initiative petitions shall be filed with the Secretary of State not less than 90 days before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered by a petition signed by not less than 10 per cent of the legal voters of the State, which 10 per cent must be obtained in the majority of the Counties of the State, and each County of said majority must furnish as signers of said petition at least 10 per cent of the legal voters therein.

PROVIDED, however, that the referendum shall not apply to laws passed by the Legislative Assembly providing money for the current and ordinary expenses of the legislative, executive, and judicial branches of the state government, or of public schools or state institutions. Said referendum petitions shall be filed with the Secretary of State within sixty days after the final adjournment of the Session of the Legislative Assembly which passed the bill on which the referendum is demanded, earlier than which no law, or part of law shall become operative, except the laws nereinbefore referred to, providing money for the current or ordinary expenses of the legislative, executive and judicial branches of the state government or of public schools or state institutions;

PROVIDED FURTHER, that no law passed by the legislative assembly shall be inoperative unless the referendum shall be properly invoked by a petition signed by not less than 15 per cent of the legal voters of the State, which fifteen per cent must be obtained in a majority of the Counties of the State, and each county of said majority must furnish as signers of said petition at least 15

per cent of the legal votes therein. The veto power of the Governor shall not extend to measures enacted by the people. All elections on measures referred or initiated by the people of the State shall be held at the general election, except when the legislative assembly, by a majority vote, shall order a special election. Any measure referred to the people shall not take effect and become a law unless it is approved by a majority of the votes cast thereon. The total number of votes cast for Justice of the Supreme Court at the general election last preceding the filing of any petition for the Initiative or Referendum, shall be the basis upon which the number of legal votes necessary to sign such petition shall be computed."

By Bennett: "I move the adoption of the amendment."

By Hedges: "I desire to offer an amendment to the amendment, if in order. If you will permit, I will make my amendment verbally, and then send it to the Chief Clerk in writing. In order to get the amendment to the amendment before the Committee, I will say that I desire to change the figure 10 per cent, wherever it occurs in the proposed amendment, to 8 per cent wherever it refers to the Initiative. It seems to me that if you will permit this amendment to the original amendment, that it would be in order, and would be what I desire to get permission to do. I simply desire to insert the words, "ten per cent" wherever it refers to the Initiative, and wherever it refers to the Referendum, "five per cent." In line 16 after the word "upon," insert the following: "but no such petitions of the Initiative shall ever apply to any changes in the Constitution of the State of Montana." I believe that the question before us is one of the greatest moment to the people whom we represent here; and I do not wish to have them think that it has been treated in a light manner. I have offered this amendment in good faith; and if you will permit me, I desire to put before you my reasons for offering this amendment. Twelve or fourteen years ago the Populist Party had some standing in this State. This question was treated at length by the Populist Press, and has been considered a Populist doctrine. It is true that the Republican Convention, which met in the City of Billings, on the 7th day of last September, made this question a Party Plank. There were reasons, and grave ones too, why the Party should embody this plank in its platform; for the Republican Party has ever sought for that which is best for the people's interest, regardless of whatever source it may come from. The time has been, as many of us here present well know, when legislative bodies of this State have been "held up" by the influence of large corporations. As between the two largest corporations in this State, most prominent before our legislative assemblies, our people, as a whole, have little or no interest. They are only interested in the fact that they should hold within their own hands a check upon such a state of affairs.

In that Billings platform, the words "safely guarded" were used, and I believe every Republican was left free to give those words such interpretation as he might, provided, he was conversant with our State Affairs, and the dangers with which we were confronted. We have heard a great deal since that Convention met about the Oregon Initiative and Referendum law. Doubtless, that was largely due to the fact that the State of Oregon was so closely situated to us. But in Oregon, the great corporate influence, which exist here, and to the extent they exist here, are unknown. Hence the words "safely guarded" might, with wisdom be used, in applying the principles of the measure here; and I interpret those words to mean that the percentage in the petitions shall come, at least, from a majority of the Counties of this State. This is in order that the majority principle, underlying all our laws, and which is a fundamental principle thereof, may continue to exist. I appeal to you gentlemen on this side of the House, don't get to radical in this matter. Listen to the voice of the people who sent us here. We should not be too arbitrary on this side of the Chamber; and I believe that, in this spirit, the gentlemen on the other side of the Chamber may meet us in a liberal spirit as to the matter of percentage in these petitions. I do not stand here, asking for ten per cent, but for a reasonable percentage that of eight per cent and five per cent, which shall come from a majority of the Counties. I do this, in a spirit of compromise, desirous of passing this important measure through this Assembly, and to the voters of this State, for their approval."

By Everett: "The amendment as I understand it now before the House is an amendment to the amendment to the substitute. While I am not particularly averse to accepting this amendment to the substitute, I believe the other is best,

but the one particular thing which I would never agree to is doing away with the safely guarded measure. There should be no reference to Counties in this Amendment.

Now I want to submit to you gentlemen that the Republican platform was accepted by the people of the State of Montana at the last election,—you are all familiar with this fact, while the Democratic party was turned down with a dull thud. Are the Montana people turned down with the corporations? Let us see. Which party was supported by J. D. Ryan; was it the Oregon law or the safely guarded measure? Upon which side was W. A. Clark, the man who can give us all pointers on buying up legislators? Which of these measures were these people fighting for in the last election? I want to state to you that every corporation in the State of Montana was working for that Democratic platform and Oregon law; but the great unorganized masses, in spite of the great organizations of the State rose up and said they were for the safely guarded measure. Yet one member told us the other day that the corporations were the ones who did not want this Oregon law, but that the people did.

Now gentlemen, the one grave danger of this Oregon law is that it absolutely wipes the constitution off the State of Montana. Pass that law and you have no constitution. One of the provisions of that constitution is this,—No measure shall be submitted to the people unless it be passed by two-thirds of the representatives of the people. The majority here cannot pass it but the people must pass that before it can be submitted. While I am not averse to the 5 per cent proposition, as amentioned here in this amendment, yet I do believe that ten per cent is easy to get. Ie see here on my desk a statement by Dr. Eggleston that two years ago there was a petition by 40 per cent of the voters of the State for the Legislature to pass an Initiative and Referendum law. Now, if 40 per cent of the voters can sign a petition like that,—they say corporations were not back of it,—but now they tell us that it is too expensive to get 10 per cent to sign it. 40 per cent signed it without any expense but it is too expensive to get 10 per cent,—entirely too expensive,—can you see any lameness in an argument like that?

By Hedges: "I move as an amendment to the amendment that 8 per cent be inserted where it refers to the initiative and 5 per cent where it refers to the referendum. Also in line 23, I further propose an amendment as follows: After the words "State Institutions" in line 23, "Nor amendments to the constitution of the State of Montana."

By MacGinnis: "I rise to speak against this amendment. It is a measure, while perhaps not decidedly so,—that will confuse the friends of the Oregon Initiative and Referendum Law and should be voted down. The most important point is the matter of obtaining the percentage in a majority of the counties of the State. As I heard the gentleman from Choteau, I marveled at the difference a point of view makes to every man. If anything stood out clear in this last election it was that the people wanted the Initiative and Referendum law. The handwirting I see on the wall is that he stood there because of the measure back of him and was elected. Many republicans voted for him. I am pleased to hear from the gentleman from Chouteau that he was on the State Republican Convention at Billings and knows what these words mean. It is news to me that we were defeated at that time. We are at a loss to know how to diagnose the disease. Dr. Lanstrum has great medical lore and I like his diagnose. This referendum to the corporations, I hate to have to take it up. I took it up once; but our friend has cited two large interests in the State who were against the party who dominated at the last election.

The real secret of the Initiative is this,—that in this State large railroad interests have interests in 21 Counties of this State; certain mining corporations have interests in 14 Counties and the man upon whom is dependent a family for his livelihood, if he is asked to sign and does sign that measure,—when he goes to the polls in the secrecy of the booth,—no harm is done as you gentlemen well know he always votes right. I think on a moment's consideration the objections will fade away from his mind. The man who originated this is your present Governor.

In the original measure he advocated the initiative and referendum law which is in substance and form the Oregon law. Now, when you bring in these county lines, you bring in a radical departure. This is controlled by the Supreme

Court of the State and is found to be better that the Dakota law which makes it necessary for it to come before the legislature; but the Oregon law has no such provision. The Oregon law is the law the people want because it is best. I think you are overlooking the Initiative and Referendum Club. There are some two hundred and fifty members of that body in Helena, and they have worked earnestly and intelligently in this respect. I agree with the speaker that this law should be safely guarded.

What is a corporation? It is an artificial person in the law. The corporations have many personalties,—as many personalties as they have stockholders. Now you are making it more difficult for the common people to use this law, and easier for the corporations.

I hope the amendment will be voted down as the percentage is not one-half as important as the county line business."

By Bennett: "I rise to speak in favor of my amendment and I don't propose to detain you for any length of time. The Republican platform adopted at Billings to which we have heard reference time and again stated that we should approach experimental legislation with caution.

The Democratic Platform, on the other hand, was as follows: We demand an initiative and referendum amendment identical in all respects with the amendments adopted by Oregon. On that platform the campaign was made; the republican standing for a safely guarded proposition while the Democrats stood for a law identical with the Oregon Initiative and Referendum law. The Democratic orators who canvassed the State from our Chief Magistrate down loudly proclaimed that the Democratic party stood pledged for the enactment of the Oregon Initiative and Referendum Law; not one similar to it but the Oregon law with such changes in wording as would make it apply to Montana. Now, gentlemen, during the discussions which have led up to the consideration of this question, we have heard much from the gentlemen on the other side of the right of a majority and that the will of a majority should prevail. We are here representing not one county of Montana but the whole State; and I ask that the will of the people, not alone the will of the people of Madison County or of Silver Bow or of Dawson or Flathead, but of all the people that in passing this law it should and must be safely guarded. Is not this true? On the one side was the Oregon law championed by Democracy and laborities alike and on the other such a law as is proposed by the Republican side of the body as a result we have in this body a Republican majority as representatives; and a majority of the Legislature in both Senate and House is for the Republican measure. And this, gentlemen when we consider the circumstances surrounding it, is a party measure on which the party has expressed itself at the polls and it comes to us as the expressed and undoubtful will of the great rank and file composing the Republican Party, as one to which by platform and vote we are committeed. If the majority in the Senate and House is not sufficient, we have the further proof that standing by our safely guarded plank we have, with two exceptions, elected every State officer voted for at the last election. So gentlemen, if you really respect the will of the majority, leave your 5 per cent proposition and come over and join us, gratifying the will of the majority.

This plank in our platform was wisely considered and this substitute for House Bill No. 1 has been wisely considered. The first point which we make against the Democratic measure, and one which cannot be disputed, is that it takes from the smaller Counties of the State the protection which the Constitution of the State has given them in placing the smallest County in the State on an equality with the largest County. The principal of majority in the Senate is the result of the most earnest and best thought of the brightest minds since the close of the Revolutionary War one hundred years ago. The Confederacy of States or Counties entered into at the close of the Revolution proves this fact. The smaller States felt that their rights were being neglected and that their most vital interests were being sacrificed for those of the largest and more powerful States.

It was pointed out that the territory comprised within the several states was not homogenous; that they differed in climate and production and in business industries. The government had practically exhausted its resources and finally in 1787, at the instigation of such men as Washington, Madison, Franklin,

and others, the convention was called; and after four weeks of argument and study, adopted that grand document, the Constitution of the United States. And the gravest question considered and the one hardest to adjust was that of representation on such a basis that the rights of the smaller States should not be imperiled by the power of the larger States. Finally the matter was adjusted by providing that in Congress the basis of representation should be population; in the Senate each State should be equal.

This, gentlemen, was the basis of agreement in 1787 and is the basis now. Again, when Montana was about to be admitted as a State and the constitutional convention met, the same question arose and, for days, was warmly discussed, resulting in the States, as it had in the United States in 1787, in giving each county for its protection, one Senator, and placing,—if you choose,—Silver Bow on an equality with Dawson in the Senate. These are facts well known to you all and the conclusion is obvious. Pass an Initiative and Referendum Law such as the proposed Democratic measure and you absolutely take away from the smaller Counties the protection guaranteed by the State Constitution. Pass a law providing that the necessary signatures to either an Initiative or Referendum petition may be obtained anywhere in the State in any one County of the State, and you absolutely ignore the smaller Counties.

But you say that they have a right to vote upon the proposed measure at the general election; granted, gentlemen,—but what does their vote avail against the vote of the largest and more populous Counties?

Suppose it was a law benefitting the mining industries at the expense of the agricultural interests? Does any one suppose that the county in which mining industries are the chief factors of wealth and business,—could not carry on elections against the protests of the Counties of eastern Montana?

I think we all agree that such might be the result. In 1787 Connecticut occupied a position between what were called the powerful states and the smaller and weaker ones, and the proposition of equal representation in the Senate came from her representatives.

So in the present case,—Madison County standing between the more powerful Counties and the weaker and having industries in common with both agricultural and mining regions,—stands for the right guaranteed by the Constitution to each County; and representatives say that this Initiative and Referendum Constitutional Amendment, if passed, must take into consideration and protect all parts of Montana.

Gentlemen, disguise it as we may,—argue about it as we may,—this experimental legislation,—and it is impossible to predict the full extent of the damage it will bring about,—I believe, we all believe, that the power of initiating legislation and of reforming legislation should rest with the people, but not with such a minority of the people as could set aside the will of a vast majority. In my opinion the Initiative can, if all Counties in the State are represented safely, take care of itself. But the referendum is a graver proposition. If we place it in the power of the greater corporations to hold up any legislation until the next biennial election, it hardly seems worth while to legislate.

Suppose it were the law today, and we passed a law, a just law, effecting unfavorably, say for the purpose of administration, the Amalgamated Copper Company as has been time and again pointed out, the Company could in a very short time, prepare and have 5 per cent of all votes cast at last election (about 3500) sign said petition from its own employes without consulting a single person outside of those directly interested in the Company, and the result would be that the law would be inoperative until after the next general election in 1906 or say until November 15th, 1906. Then, when the Legislature meets in January, 1907, if enough legislation votes could be controlled, the law could be repealed and the will of the present legislators and of the people, absolutely set aside. Is not this so?

We are told that the State of Oregon has tried and approved this law and that it is no longer experimental, but gentlemen, this law has been in operation in Oregon less than two years and already mutterings of dissatisfaction are coming to us from that State. While it is true that the Constitutional Amendment in Oregon was adopted in ———— the laws necessary to put it in operation were not approved until February, 1903, and even in Oregon the law is experi-

mental. The only safeguard that I can see is in insisting that at least a majority of the Counties of the State must be consulted for either initiative or referendum purposes; and I say to you very frankly that I would prefer that each County be consulted.

Gentlemen, I repeat that this is a Republican measure to which we are pledged by our own platform. It is the party measure which has back of it the majority of all the citizens of the State and on which we carried the state last November. Some of you may seem to fear that if you support this substitute measure, your action may not please some mighty corporation or other powerful organization; but I say to you, my Republican friends, that there is no power in this State greater than ours.—the great Republican party; and that, if offend you must, it is better to offend any corporation or organization than to put yourselves in opposition to the will of the party to which you belong.

I move the adoption of the substitute measure."

By Leiper: "'If I may be allowed a word further in connection with this amendment, I would like to say that I am absolutely opposed to 8 per cent, but very much in favor of this initiative operating as far as the constitution is concerned. The people must feel profoundly grateful to know that they have such a great corporation for their friends as the Montana Ore Purchasing Company.

Further, gentlemen, let us see what you are doing.

My mind runs back to July 4th, 1776, to a certain document where I find these words written: "Prudence, indeed, will dictate that government long established should not be changed for light and transient causes", and I turn over a page or two further and I find signing their names to this document, such men as Samuel Adams, Benjamin Franklin and Thomas Jefferson,—I wonder if Thomas Jefferson would recognize the old party today were he to drop down?"

By MacGinnis: "I have been taught in school when a fellow puts a chip on your shoulder, to knock it off. The gentleman from Dawson says that the people are surprised to know they have such a friend in the Montana Ore Purchasing Company.—He has let his mind run back to the days of the Declaration of Independence when people had to have friends who were strong in the goods of the Almighty."

.....

Speaker.

.....

Chief Clerk.

THIRTY-SIXTH DAY

Monday, February 6th, 1905.

House met pursuant to adjournment at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present except Geyman and Leiper.

Leiper excused.

Sewell reported as follows:

"Mr. Speaker:

"Your Committee on House Journal, begs leave to report having read and examined Journal of Friday, February 3rd, and found same correct."

On motion by Wyman, report was approved.

COMMUNICATIONS AND PETITIONS.

Protests were received from various Fraternal Beneficiary Societies of the State, against the passage of a bill taxing Fraternal Beneficiary Societies, or placing them under State Control.

On motion of Dempster, protests were referred to the Committee on Insurance.

NOTICES OF BILLS.

The following notices were given:

By Wiedeman: A Bill for an Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Mon-

tana, relating to Trustees of County Free High Schools; and for the repeal of Chapter LXIX of the Laws of 1903, approved March 5th, 1903.

By Bembrick: A Bill for an Act entitled "An Act making all Section lines public highways in the State of Montana."

By Wilson: A Bill for an Act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection.

By Sewell: A Bill for an Act to amend Section 1091 of the Penal Code of the State of Montana.

By Sewell: A Bill for an Act amending Section 540 of the Penal Code.

By Brigham: A Bill for an Act to add to Chapter VI of Title IX, of the Penal Code of the State of Montana, relating to offenses against good morals, an additional Section to be designated Section 543, and relating to smoking of minors.

By Lanstrum: A Bill for an Act entitled, "An Act providing for a Meat and Milk Inspector in cities having 4,000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animals for food purposes and prescribing penalties for the violation of the provisions of this Act."

By Lanstrum: A Bill for an Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys.

By Linderman: A Bill for an Act to amend Section 16 of Article XII of the Constitution of the State of Montana, relating to the assessment of property.

By MacGinnis: A Bill for an Act entitled An Act appropriating money for the erection and equipment of a Steam Heating Plant for the State School of Mines at Butte, Montana.

By Reel: A Bill for an Act prohibiting Trespass of Livestock upon lands owned or lawfully controlled or claimed by others, and establishing a penalty therefor.

By Dempster: A Bill for an Act relating to County Fairs.

By Dempster: A Bill for an Act relating to the number of Assistants allowed Clerk of District Court in Counties of the first class, salaries of same, etc.

REPORTS OF STANDING COMMITTEES.

Christian, from the Committee on Affairs of Cities, reported as follows:

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 85, A Bill for an Act entitled "An Act to provide for the extension of the boundaries of any incorporated city or town so as to embrace and include contiguous platted tracts or parcels of land", begs leave to report same back to the House with recommendation that it do pass."

On motion by Buck, report was adopted.

House Bill No. 85 was referred to the Committee on Printing.

Linderman, from the Committee on Printing, reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 70, 16, and 9 have been returned correctly printed and are ready for General Orders."

Report placed on file, and House Bills Nos. 70, 16 and 9 were placed on General Orders.

Lanstrum, from the Committee on Railroads and Transportation, reported as follows:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration Senate Bill No. 2 and House Bill No. 4, beg leave to report in lieu thereof, Substitute for Senate Bill No. 2 and House Bill No. 4, introduced by Committee on Railroads and Transportation, "A Bill for An Act to amend Sections 950 and 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of livestock," and recommend that Substitute do pass."

On motion by Lanstrum, report was adopted.

Substitute for Senate Bill No. 2 and House Bill No. 4 was referred to Committee on Printing.

English, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

"Helena, Montana, Feb. 3rd, 1905.

Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Joint Resolution No. 2, introduced by Starz, Providing for the appointment of a Commission to Examine into and report upon an adequate water supply for the State Capitol and Grounds; beg leave to report same back to the House with the recommendation that the same be adopted."

On motion by Starz, report was adopted.

House Joint Resolution No. 2 was referred to Committee on Printing.

Also:

"Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 126, A Bill for an Act entitled "An Act to establish a Geological and Natural History Survey of Montana, and to make appropriations for said survey," beg to report same back to the House with the recommendation that same do not pass."

On motion by Lannin, report was adopted.

Also:

"Mr. Speaker:

We, the Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 3, A Bill for "An Act to provide for the Formation of Cemetery Associations, to Define their Powers and Duties, and Provide for their Management and Control", report same back to the House with the recommendation that it be concurred in.

ENGLISH, Chairman.
DAN P. MUMBRUE,
C. A. WILSON,
T. J. WALKER,
EMIL STARZ,
W. H. SALES,
J. A. COLEMAN,
J. R. HILMAN.
BERRY."

On motion by Macdonald, report was adopted.

Senate Bill No. 3 was placed on General Orders.

Selway, from the Committee on Immigration, reported as follows:

"Mr. Speaker:

Your Committee on Immigration, having had under consideration House Bill No. 61, A Bill for an Act entitled An Act providing for a Bureau of Immigration for the State of Montana and defining the dutiesthereof, refer the same back to the House with the recommendation that it do pass with the following amendment:

By striking out in line two of Section seven, the word "three" and inserting instead the word "two", and by striking out Section nine down to, and including, line eight, and inserting therein the following: The Salaries of the Superintendent and Clerk and all the expenses of said Bureau of Immigration shall be paid out of the General Fund of this State; said salaries and expenses shall not exceed the sum of Five Thousand Dollars for each year thereafter."

On motion by Decker, report was adopted.

House Bill No. 61, with amendment, was referred to the Committee on Printing.

"Mr. Speaker:

We, a majority of the Committee on Fish and Game, having had under consideration House Bill No. 100, A Bill for an Act to abolish the offices of State Game and Fish Warden and Deputy State Game and Fish Wardens and to impose the duties of such Officers upon the Sheriffs and other deputies in the

several counties of this State, report same back with the recommendation that it do not pass.

A. J. BENNETT,
T. M. PATTEN,
L. H. VANDYCK,
T. J. WALKER,
S. O'BRIEN,
P. O. COLLIER."

"Mr. Speaker:

The undersigned, minority of the Committee on Fish and Game, being unable to concur with the majority of the Committee in making a report on House Bill 100, respectfully submit the following minority report:

That House Bill 100 be printed for the consideration of the members.

JOHN R. QUIGLEY, Jr.
AMOS BUCK."

Walker moved to adopt the report of the majority on House Bill No. 100.

Quigley moved, as an amendment, to adopt both majority and minority report.

Amendment carried.

Brewster, from the Committee on Livestock and Public Ranges, reported as follows:

"Mr. Speaker:

Your Committee on Livestock and Public Ranges, having had under consideration House Bill No. 87, An Act declaring trespass by livestock held in herd to be a misdemeanor and prescribing the punishment therefor, and repealing an Act entitled, "An Act to Protect the owners of Real Estate and Claimants under any of the Land Laws of the United States, and Lessees of State Lands from Trespass by Depredation or Injury from Livestock held in herd," beg leave to recommend that the accompanying substitute do pass."

"Substitute for House Bill No. 57, intrdouced by Committee on Livestock and Public Ranges."

A Bill for an Act declaring trespass by livestock held in herd to be a misdemeanor and prescribing the punishment therfeor, and repealing an Act entitled, "An Act to protect the owners of real estate and claimants under any of the land laws of the United States and lessees of State Lands from trespass by depredation or injury from Livestock held in herd", approved March 6th, 1903."

Substitute for House Bill No. 57 was referred to Committee on Printing.

Sewell, from the Committee on State Boards and Officers, reported as follows:

"Mr. Speaker:

We, your Committee on State Boards and Officers, to which was referred House Bill No. 93, introduced by Huntington, entitled "A Bill for an Act entitled An Act relating to the purchase of blank books, stationery and other supplies by counties", having had same under consideration, report same back to the House with the recommendation that it do not pass."

Kennedy moved to adopt.

Substitute motion by Everett, that House Bill No. 93 be printed and placed upon General Orders.

Vote on substitute motion. Ayes, 29; Noes, 37.

House Bill No. 93, having received one-third of the vote of the House, was ordered printed.

Vote on original motion was ayes, 38; noes, 26. Report adopted.

Bennett moved for a reconsideration of the vote whereby House Bill No. 93 was ordered printed. Carried.

Vote recurring on Substitute motion by Everettt, the substitute motion was lost.

Also:

"Mr. Speaker:

We, your Committee on State Boards and Officers, to which was referred House Bill No. 105, introduced by Williams, entitled A Bill for an Act entitled "An Act to amend Sections 552, 553, 560, 563, 566 and 567 of Article 15, of Chapter 3, of Title 1, of Part 3, of the Political Code of the State of Montana,

relating to the Inspector of Boilers, and to add thereto a new section to be known and numbered 570", having had same under consideration, report same back to the House with the recommendation that it do pass."

On motion by Sanden, report was adopted.

House Bill No. 105 was referred to Committee on Printing.

COMMUNICATIONS AND PETITIONS.

The following were received:

"Executive Office, Helena, Montana, February 6th, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Joint Resolution No. 1, "Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people."

Also House Bill No. 87: "An Act appropriating money for the payment of the claim of Conley & McTague for the care of prisoners at the State Penitentiary at Deer Lodge."

Also House Bill No. 28: "An Act to amend Sections 1221 and 1222 of Chapter I, of Title IX, Part II, of the Code of Civil Procedure relating to exemptions, and restricting the right to claim certain exemptions to married persons who are heads of families."

Also House Bill No. 22: "An Act to amend Section 1 of an Act approved February 22nd, 1899, entitled "An Act to amend Sections 720 and 722, Chapter VI, Title VI, Part II of the Code of Civil Procedure of Montana relating to pleadings and civil actions."

Also House Bill No. 53: "An Act to amend Sections 471 and 473 of the Penal Code of the State of Montana relating to abandonment and neglect of children."

Also House Bill No. 12: "An Act to provide for the prevention and eradication of scabies among horses, mules, asses and cattle."

J. K. TOOLE, Governor."

Also:

"To the Speaker of the House o. Representatives:

I am this day in receipt of the inclosed letter from General Fitzhugh Lee, President of the Jamestown Exposition Company, which proposes a celebration on the thirteenth of May, 1907, of the first settlement by English speaking people of the Colony at Jamestown, in Virginia.

I submit the same for such action as may be deemed proper.

J. K. TOOLE, Governor."

Letter from General Fitzhugh Lee, President of the Jamestown Exposition Company, was placed on file.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day appointed Maddox, Ralston and Miles to act as a Conference Committee with a like Committee from the House to act on House Bill No. 55.

Respectfully,

C. E. WIGHT, Secretary."

REPORTS OF STANDING COMMITTEES.

Wilson, from the Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 79, 81 and 96 and House Joint Concurrent Resolution No. 3 as correctly engrossed."

Report received and House Bills Nos. 79, 81 and 96, and House Joint Concurrent Resolution No. 3 were placed on file for third reading.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

Murray requested unanimous consent to introduce a bill without previous notice. Granted.

By Lannin: House Bill No. 151. A Bill for an Act entitled, "An Act to pro-

vide for the employment of State Prison Convicts for the benefit of the State or any Political Division thereof."

By Huntington: House Bill No. 152. A Bill for an Act to prevent the sale of Liquors on Credit.

By Kennedy: House Bill No. 153. A Bill for an Act entitled, "An Act to regulate the construction and operation of railroads in the State of Montana, by establishing a State Board of Railroad Commissioners, and prescribing the powers and duties thereof."

By Murray: House Bill No. 154. A Bill for "An Act for the submitting to the qualified electors of the State of Montana Amendments to Article V of the Constitution of the State of Montana, relating to the Legislative Department and providing for direct legislation."

By T. D. Sullivan: House Bill No. 155. A Bill for an Act entitled "An Act to conserve the health of Female Employes in Hotels, Restaurants, Manufacturing, Mechanical and Mercantile Establishments, and providing a penalty for the violation thereof."

MOTIONS AND RESOLUTIONS.

By Sewell:

"Mr. Speaker:

In view of the fact that the members of your Committee on House Journal, having duties to attend to on various other Committees, thus making it difficult at times to secure a quorum; I beg to move that Committee on House Journal be empowered to call upon any member of the House to assist in reading Journal where a quorum is not available, so as to avoid delay in presenting report to the House."

On motion by Linderman, motion was laid on the table.

READING OF HOUSE BILLS.

On motion by Linderman, all bills were read first and second time by title only.

The following Bills were taken from the file:

H. B. No. 151, read first and second time, and referred to Committee on Labor.

H. B. No. 152. read first and second time, and referred to Committee on Ways and Means.

H. B. No. 153, read first and second time, and at request of Kennedy for unanimous consent, was referred to Committee on Railroads and Transportation.

H. B. No. 154, read first and second time, and referred to Committee on Privileges and Elections.

H. B. No. 155, read first and second time, and referred to Committee on Labor.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended, and all bills, except Appropriation Bills, were placed on third reading after reading title and history only.

House Bill No. 79, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Brewster, Brigham, Buck, Carriher, Christian, Coleman, Collier, Decker, English, Everett, Forsythe, Hayes, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Mumbrue, Murray, Macdonald, Richardson, Roach, Ross, Sales, Sanden, Sanders, Sewell, Starz, Stevens, Vandyck, Williams, Wilson, Wood and Mr. Speaker, Hilman and Huntington—39.

Noes—Blankenship, Canoll, Dempster, Hewett Lannin, Meunier, Murphy, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Roll, Schoonover, Selway, Sullivan of Jefferson, Sykes, Teskey, Wiedeman and Wyman—21.

Absent and not voting—Bembrick, Burt, Cone, Fairbanks, Geyman, Harrington, Leiper, MacGinnis, Shannon, Mulroney, Sullivan of Lewis and Clarke and Walker—12.

Title agreed to.

House Bill No. 81, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Real, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—61.

Noes—None.

Absent and not voting—Bembrick, Burt, Cone, Decker, Fairbanks, Geyman, Hewett, Leiper, Mulroney, MacGinnis and Wyman—11.

Title agreed to.

House Bill No. 96, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—55.

Noes—Bennett, Decker, Linderman, O'Connor, Quigley, Reel, Schoonover, Selway, Sullivan of Lewis and Clarke and Teskey—10.

Absent and not voting—Bembrick, Burt, Cone, Fairbanks, Geyman, Leiper and Mulroney—7.

Title agreed to.

House Joint Concurrent Resolution No. 3, having been read three several times, was passed by the following vote:

Ayes—Berry, Blankenship, Canoll, Christian, Coleman, Collier, Dempster, Harrington, Hayes, Hewett, Huntington, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Rose, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—38.

Noes—Bennett, Blake, Brigham, Buck, Burt, Carriher, Cone, Decker, English, Everett, Forsythe, Hilman, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—28.

Absent and not voting—Bembrick, Brewster, Geyman and Fairbanks—4.

Paired—Johnston and Leiper—2.

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bill No. 18 and House Bills Nos. 9 and 70.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 18, Introduced by Maddox, A Bill for An Act entitled "An Act prohibiting the employment of children under sixteen years of age, in underground mines and providing penalties for the violation of the provisions thereof", reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 70, Introduced by Lannin, A Bill for an Act to Prevent Blacklisting of Employees, and Providing a Penalty for the Violation thereof and Providing a Civil Action for Damages, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 9, Introduced by L. H. Vandyck, A Bill for an Act entitled, An Act providing for the payment of certain employees and laborers and wage workers semi-monthly, in lawful money of the

United States, and for the prevention of assignment of future wages under this Act, and providing penalties for any violation of the same, reports same back to the House with the recommendation that the enacting clause be stricken out."

On motion by Wilson, report was adopted.

Senate Bill No. 18 was placed on file for third reading.

House Bill No. 70 was referred to Committee on Engrossment.

Linderman moved that, when the House adjourn, it adjourn to meet at 2 P. M. tomorrow. Carried.

On motion by Sales, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bill No. 3 and House Bill No. 16.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 3, introduced by Brennen, A Bill for an Act providing for the formation of Cemetery Associations, to define their powers and duties and provide for their management and control, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 16, introduced by Sales, A Bill for an Act entitled, "An Act authorizing the County Commissioners of any County to provide public scales at any suitable location in the County; providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher", reports same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

Senate Bill No. 3 was placed on file for third reading.

House Bill No. 16 was referred to Committee on Engrossment.

On motion by Lanstrum, House Bill No. 24 was re-referred to the Committee on Townships and Counties.

MOTIONS AND RESOLUTIONS.

By Walker:

"Mr. Speaker:

Be it resolved by the House of Representatives that the Committee heretofore appointed to visit the Agricultural College at Bozeman, be directed to also visit the State Reform School at Miles City, and that said Committee be empowered to investigate and report to this body the general condition of said Institution and the Inmates thereof." Carried.

On motion of Murray, at 4:45 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

THIRTY-SEVENTH DAY

Tuesday, February 7th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All present.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having examined Journal of Monday, February 6th, and believe same to be correct."

On motion by O'Connor, report was adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Feb. 6th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second time:

Senate Bill No. 45, by Maddox: A Bill for an Act entitled, "An Act to amend Section 224 of the Political Code of Montana relating to compensation of officers and employees of the Legislative Assembly."

Respectfully,

C. E. WIGHT, Secretary."

Also:

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of Introduction of Bills were today given as follows:

By White: A Bill for an Act to regulate Foreign Corporations doing a Banking Business within the State of Montana.

By Maddox: A Bill relating to the renewal of Chattel Mortgages.

By Maddox: A Bill for an Act to Amend Section 20 of an Act entitled "An Act to establish a tax on direct and collateral inheritances, bequests and devises and provide for its collection and direct the disposition of its proceeds."

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senator McCarthy was this day appointed as member from the Senate to visit State Institutions at the following places: Boulder, Butte, Warm Springs and Missoula; That Senator Harper was appointed as member from the Senate to visit the Agricultural College at Bozeman.

Respectfully,

C. E. WIGHT, Secretary."

Protests were received from various Fraternal Beneficiary Societies of the State, against the passage of a bill taxing Fraternal Beneficiary Societies or placing them under State Control. Referred to the Committee on Insurance.

"To Hon. Wyllys Hedges, Speaker:

Hon. T. J. Walker,
Hon. M. L. Hewett,
Hon. J. E. O'Connor,
Committee.

Dear Sirs: We gratefully acknowledge the receipt of a copy of the Resolutions adopted by the House upon the death of our husband and father. Appreciating the esteem for him, and sympathy for us, thus expressed, we are

Respectfully yours,

HARRIET M. HUDNALL,
INEZ ARNETTE HUDNALL.

The sixth day of February."

REPORTS OF STANDING COMMITTEES.

Cone, from the Committee on Enrollment, reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bill as correctly enrolled, this 7th day of February, 1905.

House Bill No. 56. An Act to Create the County of Sanders, Designate its Boundaries, and Provide for its Organization and Government."

Mr. Speaker announced to the House that he was about to sign House Bill No. 56, "An Act to Create the County of Sanders, Designate its Boundaries, and Provide for its Organization and Government."

NOTICES OF BILLS.

The following notices were given:

By Geyman: A Bill for An Act entitled An Act to amend Sections 1314 and 1317 of the Code of Civil Procedure of Montana.

By Brigham: A Bill for an Act entitled "An Act relating to bonds issued by Foreign surety companies, authorized to do business in this State."

By Johnston: A Bill for "An Act appropriating money for the payment of the claim of P. B. Moss, on account of Reward paid by him for the apprehension ond arrest of Samuel E. Grady and Orton O. Mosier for the Crime of Murder."

By Richardson: A Bill for an Act entitled "An Act to regulate the practice of barbering and licensing of persons to carry on such practice, and providing punishment for its violation."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

"Mr. Speaker:

We, a majority of your Committee on Ways and Means, having had under consideration House Bill No. 118, A Bill for "An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers," respectfully report same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, in paragraph relating to the number of deputies allowed the County Clerk, after the words "county clerk" insert the words "in counties"; after the words "in counties of the fourth" insert the words "and fifth."

In paragraph relating to the number of deputies allowed the clerk of the district court, after the words "in counties of the third and fourth classes" insert the words "having more than one district judge, three; in counties of the third and fourth classes having one district judge."

A. J. BENNETT, Chairman."

"Mr. Speaker:

The undersigned, a majority of your Committee on Ways and Means, to whom was referred House Bill No. 118, "A Bill for an Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers," respectfully begs leave to refer the bill back to the House with the recommendation that it be amended so as to strike out all reference to the number of deputies allowed in Counties of the first class and as so amended that the bill do pass.

J. M. KENNEDY."

Bennett moved to adopt the majority report.

Kennedy moved, as an amendment, that the minority report be adopted.

Roll call demanded, and the amendment was lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Cone, Dempster, Geyman, Harrington, Hayes, Johnston, Kennedy, Lannin, Meunier, Murphy, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Walker, Wood and Wyman—32.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—37.

Lannin moved, as a substitute, that House Bill No. 118 be re-committed to the Committee on Ways and Means.

Roll called and Substitute motion lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Johnston, Kennedy, Lannin, Meunier, Murphy, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—33.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—38.

Original motion carried; majority report adopted.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 70 and 16 as correctly engrossed."

House Bills Nos. 70 and 16 were placed on file for third reading.

By Lanstrum:

"Mr. Speaker:

We, your Commitee on Railroads and Transportation, having had under consideration House Bills Nos. 11, 43, 86, and 153, "Bills for an Act creating a Railroad Commission." beg leave to report back to the House a Substitute for the above Bills, introduced by Committee on Railroads and Transportation, "A Bill for an Act entitled An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof," and recommend that Substitute do pass."

On motion by Lanstrum, report was adopted.

Substitute for House Bills Nos. 11, 43, 86 and 153 was referred to the Committee on Printing.

By Murray:

"Mr. Speaker:

Your Committee on Appropriations having had under consideration House Bill No. 37, introduced by Bennett, "A Bill for an Act entitled, "An Act appropriating money for the erecting and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana," beg leave to report that the same do pass with the following amendments:

Amend Section 1 by striking out $27,000.00 and inserting in lieu thereof $22,000.00.

Amend Section 2 by striking out $14,000.00 and inserting in lieu thereof $9,000.00.

Add another section to be known as Section 6, as follows: "The aggregate sum of $12.000.00 appropriated by Sections 3 and 4 of this Act is appropriated for the fiscal year ending November 30th, 1905; and the sum of $10,000.00 appropriated in Sections 2 and 5 is appropriated for the fiscal year ending November 30th, 1906.

Section 6 of said Act to be re-numbered as Section 7."

On motion by Linderman, report was adopted.

House Bill No. 37, with amendments, was referred to Committee on Printing.

By Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 64, "A Bill for an Act relating to the employment of Children in Underground Mines, and providing a penalty for the violation of the provisions of this act" recommend that the same be indefinitely postponed, on account of having recommended that Senate Bill No. 18, a similar Bill, be concurred in as amended."

On motion by Wyman, report was adopted.

Also by Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 155, A Bill for an Act entitled "An Act to conserve the health of female employees in Hotels, Restaurant, Manufacturing, Mechanical and Mercantile Establishments and providing a penalty for the violation thereof," beg leave to refer the same back to the House with the recommendation that it do pass."

On motion by Dempster, report was adopted.

House Bill No. 155 was referred to Committee on Printing.

"Mr. Speaker:

The majority of your Committee on Fish and Game, having had under consideration House Bill No. 120, A Bill for An Act to repeal House Bill No. 147 of the laws of 1901, entitled, "An Act to Repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State

Game and Fish Warden, Deputy State Game and Fish Wardens and Special Deputy Game and Fish Wardens and Defining their Powers and Duties and Providing for their Compensation," Approved March 18, 1901, as amended by Chapter XXXVIII of the Laws of 1903; and to Provide for the Appointment of a State Game and Fish Warden, to make Sheriffs, Under Sheriffs, Deputy Sheriffs and Constables Ex-officio Special Deputy Game and Fish Wardens and Defining their Powers and Duties and Providing for their Compensation; wish to report back a Substitute for the same with a recommendation that such Substitute do pass.

VANDYCK,
P. O. COLLIER,
T. J. WALKER,
T. WESLEY RICHARDSON,
SYLVESTER O'BRIEN,
T. M. PATTEN,
A. J. BENNETT."

"Substitute for House Bill No. 120. Introduced by Committee on Fish and Game. A Bill for an Act to repeal Sections 15, 19, 20, 21, 22 and 23 of an act entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and defining their powers and duties and providing for their compensation", approved March 13th, 1901, and to provide for the licensing of resident and non-resident sportsmen and hunters; to fix prices on shipping permits; to furnish the State Game and Fish Warden with a clerk; to classify packers as guides; to provide for the disposition of moneys in the Fish and Game Fund; and to provide penalties for the violation of the provision of this Act."

"Mr. Speaker:

The undersigned, a minority of the Committee on Fish and Game, being unable to concur with the majority of the Committee in making a report on H. B. No. 120, respectfully submit the following minority report:

H. B. No. 20 has been prepared with great care for the purpose of affording ample protection to the fish and game of the State, without necessitating unnecessary hardships or expense upon the taxpayers or citizens. It provides for the appointment of a State Fish and Game Warden at a salary of $1,800.00 per anum and allows expenses for such officer not to exceed $1,500.00 per annum and makes the sheriffs, deputy sheriffs and constables of the respective counties and townships special deputy game and fish wardens without compensation, except such as may be realized from fines collected. It thus provides an ample corps of officers at a minimum expense and assures the selection of deputies by the people who are most directly interested in the preservation of fish and game. It does not make it necessary for the farmer, ranchman, laborer or any other citizen to pay for the privilege of hunting or fishing but does levy a reasonable license upon the non-resident who comes to the state and engages in the sport of hunting and fishing.

We feel that the bill is for the best interests of all classes of our citizens and should become a law.

We therefore recommend that H. B. No. 120 do pass.

Respectfully submitted,
AMOS BUCK,
JOHN R. QUIGLEY, Jr."

Linderman moved to adopt the majority report.

Substitute motion by Johnston, to adopt minority report.

Roll call demanded on adoption of the Minority report.

The roll was called with the following result:

Ayes—Canoll, Christian, Everett, Fairbanks, Forsythe, Hilman, Huntington, Johnston, Metcalf, Potter, Quigley, Roll, Sanden, Schoonover, Selway, Stevens, Wiedeman and Williams—18.

Noes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Coleman, Collier, Decker, Dempster, English, Geyman, Har-

rington, Hayes, Hewett, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mumbrue, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Reel, Richardson, Roach, Ross, Sales, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wilson, Wood, Wyman and Mr. Speaker—53.

Motion to adopt Minority report, lost. Majority report was adopted.

By Hilman:

"Mr. Speaker:

We, your Committee on Military Affairs, having had under consideration House Bill No. 90, A Bill for "An Act to Add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, Relating to Qualifications and Disabilities of Electors, an Additional Section to be designated Section 1169, Relating to the Right of Suffrage of Deserters from the Military Service of the United States and from the Military Service of the State of Montana," respectfully report the same back to the House with the recommendation that it do pass as amended, as follows:

"In Section 1, after the word "enlistment", insert the following: "Or unless sooner discharged or pardoned by the President or the Military Authorities of the United States."

On motion by Mumbrue, report was adopted.

House Bill No. 90, with amendment, referred to Committee on Printing.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 117, A Bill for an Act entitled, "An Act to create a Board of Police Commissioners in Cities having more than Fifteen Thousand Inhabitants, defining their powers and duties, and fixing the terms of Office and the Compensation of same", beg to report same back to the House with the recommendation that it do pass as amended, as follows:

That Section 1 of House Bill No. 117 be amended by striking out, in line 3, the words "within sixty (60) days from and after the passage of this Act" and inserting in lieu thereof, the words "between the tenth and thirteenth days of May, 1905."

That Section 2 of House Bill No. 117 be amended by striking out, in lines 20 and 21, the words "in the month of May" and inserting in lieu thereof the words "between the tenth and thirtieth days of May, 1905."

On motion by Coleman, report was adopted.

House Bill No. 117, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 115, A Bill for an Act entitled, "An Act to Compel the filing of all instruments of assignment, sale or transfer of wages or salaries, and giving notice of the assignment, sale or transfer", beg leave to report same back to the House with the recommendation that it do pass as amended:

That the Title be amended by striking out, in line 1, the word "compel" and inserting in lieu thereof, the words "providing for".

That Section 1 be amended so as to read as follows:

An Assignment, sale or transfer of any wages or salary earned or to be earned, however made or attempted to be made, is void as against creditors of the assignor and subsequent purchasers and assignees of such wages or salary in good faith, for value, unless such assignment, sale or transfer is made in writing, subscribed and sworn to by the assignor, sellor or transferror, and filed in the office of the County Clerk and Recorder, of the County where such wages or salary are payable. No such assigument, sale or transfer of wages or salary shall be valid as against the person, persons, firm, association or corporation from which such wages or salary are due or to become due, until a written notice of such assignment, sale or transfer be given to the person, firm, association or corporation from which said wages or salary are due or to become due by the assignment thereof.

The affidavit to such assignment, sale or transfer, shall state that such

assignment, sale or transfer is made in good faith and without any design to hinder, delay or defraud the creditors of the assignor. The County Clerk and Recorder shall charge a fee of twenty-five cents for filing each instrument of assignment, sale or transfer, as herein provided for.",

On motion by Berry, report was adopted.

House Bill No. 115, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Commitee on Judiciary, having had under consideration Senate Bill No. 26, A Bill for an Act entitled, "An Act authorizing an officer of a Corporation to take oath for and on behalf of his corporation, where the corporation is authorized to act as trustee, guardian, executor, administrator, or in any Fiduciary Capacity and an oath of office is required," beg leave to report same back to the House with the recommendation that it be concurred in."

On motion by Leiper, report was adopted.

Senate Bill No. 26 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 34, A Bill for "An Act to amend Section 1653 of the Code of Civil Procedure relating to Contempts in Justice Courts," beg to report same back to the House with the recommendation that it do pass with the following amendment:

In Section 1, after the first three lines, substitute for lines 4, 5, 6, 7 and 8, the following:

Section 1653. A Justice may punish for contempts by fine or imprisonment, or both; such fine shall not exceed One Hundred ($100.00) Dollars and such imprisonment shall not exceed one day. A Judgment, that a person guilty of a contempt of court pay a fine, may also direct that he be imprisoned in the County Jail until such fine be satisfied in the proportion of one day's imprisonment for every Five Dollars of the fine."

On motion by Leiper, report was adopted.

House Bill No. 34, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 114, A Bill for an Act entitled, "An Act amending Section 1961 of the Political Code of the State of Montana, relating to issuance of School Bonds," beg to report same back to the House with the recommendation that it do pass."

On motion by Berry, report was adopted.

House Bill No. 114 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 27, A Bill for an Act Amending Section 577, Chapter IV, Title II, Division I, of the Civil Code of the State of Montana, Relating to State Banks, and Providing Penalty for False Statements, Reports or Entries in the Books thereof," beg to report same back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Senate Bill No. 27 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 113, A Bill for an Act entitled, "An Act Levying a Special School Tax on all Male Inhabitants over the age of 21 and under the age of 50, for General School Purposes," beg to report same back to the House with the recommendation that it be printed."

On motion by Berry, report was adopted.

House Bill No. 113 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 140, A Bill for an Act entitled, "An Act to Prohibit Certain Persons from Conducting or maintaining Law Offices, to Prevent Certain Persons from Advertising or holding themselves out as Attorneys at Law, to Prevent Certain Persons from acting as Attorneys at Law for Compensation and to Provide Punishment for the Violation of this Act," beg to report same back to the House with the recommendation that it do pass."

On motion by Berry, report was adopted.

House Bill No. 140 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 119, A Bill for an Act entitled, "An Act authorizing District Courts also the Supreme Court of the State to direct judgment to be entered in certain cases, instead of granting a motion for a new trial," beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Cone, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 150, A Bill for an Act entitled, "An Act to amend Sections 1760 and 1761 of the Code of Civil Procedure of the State of Montana, relating to Appeals to District Courts," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Sanden, report was adopted.

House Bill No. 150 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 148, A Bill for "An Act to Amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the duties of butchers and other persons slaughtering cattle and purchasing hides," beg to report same back to the House with the recommendation that it be referred to the Committee on Livestock and Public Ranges."

On motion by Patten, report was adopted.

House Bill No. 148 was referred to Committee on Livestock and Public Ranges.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 142, A Bill for an Act to amend Section 752, Title XI, Part I, of the Penal Code of the State of Montana, relating to crimes against the public peace," beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Buck, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 80, A Bill for an Act to amend Article III, Chapter I, Title X, Part II, of the Penal Code of Montana by adding thereto a Section numbered 2367, and relating to the duties of the Clerk of the District Court in approving bail offered for persons indicted or against whom an information has been filed," beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Berry, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 132, A Bill for an Act to Amend Section 131, Article II, Title I, of the Civil Code of the State of Montana, and forbidding certain persons obtaining divorces

from marrying again," beg leave to report same back to the House wtih the recommendation that it do not pass."

Dempster moved to adopt. Motion lost, Ayes 14; Noes, 32.

Bennett moved that the bill be printed and placed on General Orders. Carried.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 127, "A Bill for an Act to amend Chapter 32 of the Laws of 1903, entitled, An Act to Amend Section 451 of the Civil Code, relating to Annual Reports of Corporations," beg to report same back to the House with the recommendation that it do pass."

On motion by Coleman, report was adopted.

House Bill No. 127 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 149, "A Bill for an Act to amend Section 3848 of the Civil Code of Montana, Relating to the Satisfaction of Mortgages," beg leave to report same back to the House with the recommendation that it do pass with the following amendment at the end of Section 1.

"Foreign administrators and executors may satisfy mortgages of record in Montana, provided that the satisfaction of mortgages be accompanied by an authenticated copy of their letters of administration or letters testamentary, with the certificate of the Clerk of the Court in which the appointment was made; that the same have not been revoked and are in full force, which certificate and certified copy of letters shall be presented and recorded in connection with the satisfaction of the mortgage. When so presented and recorded, they shall have the same force and effect as if the mortgage were satisfied by the mortgagee."

On motion by Ross, report was adopted.

House Bill No. 149, with amendment, was referred to the Committee on Printing.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report, that House Bills numbers 125, 94, 74, 102, and 110 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 125, 94, 74, 102 and 110 were placed on General Orders.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Brigham: H. B. No. 156, A Bill for an Act to Add to Chapter VI, of Title IX, of the Penal Code of the State of Montana, relating to offenses against good morals, an additional Section to be designated Section 543, and relating to smoking of minors.

By Kennedy: H. B. No. 157, A Bill for an Act entitled, "An Act to establish a State Flag of Montana."

By Committee on Appropriations: H. B. No. 158, A Bill for an Act entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State School of Mines."

By Committee on Appropriations: H. B. No. 159: A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the years 1903 and 1904."

By Committee on Appropriations: H. B. No. 160: A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims of certain persons for services rendered and supplies furnished the State Reform School."

By Committee on Appropriations: H. B. No. 161: A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims of certain persons for services rendered and supplies furnished the Historical Library."

By Committee on Appropriations: H. B. No. 162, A Bill for an Act entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered to the Office of the Secretary of State."

By Committee on Appropriations: H. B. No. 163, A Bill for an Act entitled,

"An Act appropriating money for the payment of the deficiency claims of certain persons for services rendered and supplied furnished the State Orphans' Home at Twin Bridges, Montana."

By Committee on Appropriations: H. B. No. 164, A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building."

By Committee on Appropriations: H. B. No. 165, A Bill for an Act entitled, "An Act appropriating the sum of Seventeen Thousand Dollars ($17,000) for the payment of claims of certain persons for money advanced for the erection of permanent buildings and improvements on the property of the Montana State Fair."

By Committee on Appropriations: H. B. No. 166, A Bill for an Act to appropriate money for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the year 1904.

By Sewell, by request: H. B. No. 167, A Bill for an Act to amend Sections 1091 of the Penal Code of the State of Montana, relating to cruelty to animals.

By Sewell: H. B. No. 168, A Bill for an Act to amend Section 5040 of the Penal Code of the State of Montana, relating to public morals.

By Lanstrum: H. B. No. 169: A Bill for an Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys.

By Dempster, H. B. No. 170: A Bill for an Act to amend Section 1, of an Act entitled, An Act to create in each county of Montana a Commission to be known as the County Agricultural Fair Commission, and providing an appropriation from the County Treasurers of each County of the sum of One Thousand Dollars to be expended by the Commission for County Fair Expenses, and to amend said Act by adding Section VI.

By Walker, H. B. No. 171, A Bill for an Act entitled, "An Act to amend Sections 860 and 861 of Chapter V, Title I, Part III, of the Political Code, relating to salaries of Justices of the Supreme Court and Judges of the District Court."

By Dempster, by request, H. B. No. 172: A Bill for an Act entitled, "An Act relating to the number of assistants allowed the Clerk of the District Court in Counties of the first class and fixing the compensation allowed to said deputies and assistants in counties of the first class."

By Bembrick: H. B. No. 173, A Bill for an Act entitled, "An Act making all section lines Highways."

By Wilson, H. B. No. 174: A Bill for an Act to amend "An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection", approved March 7th, 1903, and to establish a Bureau of Child and Animal Protection and to provide for the appointment of a deputy and clerk, and defining their powers and duties and providing for their compensation."

By Wiedeman, H. B. No. 175: A Bill for an Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to Trustees of County Free High Schools; and for the repeal of Chapter LXIX of the Laws of 1903, approved March 5th, 1903.

By Lanstrum, H. B. No. 176: A Bill for an Act providing for a Meat and Milk Inspector in cities having 4,000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animals for food purposes and prescribing penalties for the violation of the provisions of this Act.

By Linderman, H. B. No. 177: A Bill for an Act to amend Section 16, Article XII of the Constitution of the State of Montana, providing for the assessment of property.

By MacGinnis, H. B. No. 178; A Bill for an Act entitled, "An Act appropriating money for the erection and equipment of a steam heating plant for the State School of Mines, at Butte, Montana."

READING OF HOUSE BILLS.

Lanstrum moved that all bills, except Appropriation Bills, be read first and second time by title only. Motion carried.

H. B. No. 156, read first and second time, and referred to Committee on Judiciary.

H. B. No. 157, read first and second time, and referred to Committee on State Boards and Officers.

H. B. No. 158, read first and second time, and referred to Committee on Printing.

H. B. No. 159, read first and second time, and referred to Committee on Printing.

H. B. No. 160, read first and second time, and referred to Committee on Printing.

H. B. No. 161, read first and second time, and referred to Committee on Printing.

H. B. No. 162, read first and second time, and referred to Committee on Printing.

H. B. No. 163, read first and second time, and referred to Committee on Printing.

H. B. No. 164, read first and second time, and referred to Committee on Printing.

H. B. No. 165, read first and second time, and referred to Committee on Printing.

H. B. No. 166, read first and second time, and referred to Committee on Printing.

H. B. No. 167, read first and second time, and referred to Committee on State Boards and Officers.

H. B. No. 168, read first and second time, and referred to Committee on Judiciary.

H. B. No. 169, read first and second time, and referred to Committee on Judiciary.

H. B. No. 170, read first and second time, and referred to Committee on Fairs and Expositions.

H. B. No. 171, read first and second time and referred to Committee on Judiciary.

H. B. No. 172, read first and second time, and referred to Committee on Ways and Means.

H. B. No. 173, read first and second time, and referred to Committee on Highways.

H. B. No. 174, read first and second time, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 175, read first and second time, and referred to Committee on Judiciary.

H. B. No. 176, read first and second time, and referred to Committee on Internal Improvements.

H. B. No. 177, read first and second time, and referred to Committee on Railroads and Transportation.

H. B. No. 178, read first and second time, and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

Linderman moved that all bills, except Appropriation Bills, be read third time by title and history only, and that they be considered read in full. Motion carried.

Senate Bill No. 18, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Carriher, Hewett, Lanstrum, Leiper, Murray, Murphy, Sanders, Shannon, Sykes, Vandyck and Williams—11.

Title agreed to.

Senate Bill No. 3, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Noes—None.

Absent and not voting—Geyman, Hewett, Leiper and Shannon—4.

Title agreed to.

House Bill No. 16, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—67.

Nays—None.

Absent and not voting—Bembrick, Hewett, Macdonald and Sanders and Starz —5.

Title agreed to.

House Bill No. 70, having been read three several times, Everett moved that the enacting clause be stricken out.

Linderman, seconded by Bennett, moved the previous question. Ayes 33; Noes, 28.

Lannin asked for a roll call on the motion to strike out the enacting clause of House Bill No. 70.

Then enacting clause of House Bill No. 70 was stricken out by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Roach, Roll, Sales, Selway, Sewell, Starz, Stevens, Sykes, Vandyck, Wiedeman, Wilson, and Mr. Speaker—38.

Noes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Hayes, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Ross, Sanden, Schoonover, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Williams, Wood and Wyman—31.

Absent and not voting—Hewett, Lanstrum and Sanders—3.

GENERAL ORDERS.

On motion by Dempster, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bills Nos. 26 and 27 and House Bill No. 125.

Cone in the Chair.

House resumed.

Mr. Speaker in the Chair.

Bennett moved that when the House adjourn, it adjourn to meet at 2 P. M. tomorrow. Motion carried.

Cone, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 26, introduced by Maddox, A Bill for an Act entitled, "An Act authorizing

any officer of a corporation to take oath for and on behalf of his corporation where the corporation is authorized to act as Trustee, Guardian, Executor, administrator or in any fiduciary capacity, and an oath of office is required," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 27, introduced by White, A Bill for an Act amending Section 577, Chapter IV, Title II. Part IV, Division I, of the Civil Code of the State of Montana, relating to State Banks, and providing penalty for false statements, reports or entries in the books thereof, reports same back to the House with the recommendation that it be concurred in with the following amendments:

Amend Section 1, line 6, by striking out the word "five" and inserting in lieu thereof the word "two."

Amend Section 1, line 7, by striking out the word "two" and inserting in lieu thereof the word "six."

Also having had under consideration House Bill No. 125, introduced by Blake, A Bill for an Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction regarding the revocation of state or life diplomas and the issuance of temporary state certificates, reports same back to the House with the recommendation that it do pass."

On motion by Leiper, report was adopted.

House Bill No. 125 was referred to the Committee on Engrossment.

Senate Bills Nos. 26 and 27, with amendments, were placed on file for third reading.

On motion by Dempster, at 5:40 P. M., the House adjourned.

.....
Speaker.

.....
Chief Clerk.

THIRTY-EIGHTH DAY

Wednesday, February 8th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all present.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Tuesday, February 7th, and believe same to be correct."

On motion by Wiedeman, report was adopted.

COMMUNICATIONS AND PETITIONS.

Protests were received from various Fratenal Beneficiary Societies of the State, against the passage of a measure taxing Fraternal Beneficiary Societies or placing them under State Control.

"Helena, Montana, Feb. 7, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second time:

Senate Bill No. 46, By Maddox: A Bill for an Act entitled, "An Act to amend Section 20 of an Act entitled, "An Act to establish a tax on direct and collateral inheritances, bequests and devices, to provide for its collection and direct the disposition of its proceeds," approved March 4th, 1897.

Senate Bill No. 47, by Maddox: A Bill for an Act entitled "An Act to amend Section 3866 of the Civil Code of Montana relating to the renewal of mortgages of personal property, as amended by Senate Bill No. 46, Session of 1903, approved March 4th, 1903."

Senate Bill No. 48, by White: A Bill for an Act regulating foreign Corporations doing a Banking Business in the State of Montana.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 7, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 31, 36 and 42 were today read third time and passed and are herewith transmitted to the House for its concurrence.

That House Bill No. 103 was read third time and concurred in; that House Bill No. 89 was read third time and concurred in as amended; that House Bill No. 25 was not concurred in, all of which said bills are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

House Bill No. 103 was referred to Committee on Enrollment.

"Helena, Montana, Feb. 7, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a notice of the following Bill was today given:

By Martien: A Bill regulating passenger rates on street railways.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Feb. 6, 1905.

Hon. Nathan Godfrey, Clerk, House Representatives Ninth Legislative Assembly.

Dear Sir:—Your letter of January 30th asking for the report of the Board of Managers of the Soldiers' Home has just reached me from Columbia Falls, and in reply will say that the report was made, as required by law, to the Governor near the first of December, last, and the printed copies should have been on the desks of members before this. I just 'phoned the Independent and they state they will have the proof ready by Wednesday, and report out this week. I had a duplicate copy but some one borrowed it and failed to return it, as usual.

Yours truly,

C. B. MILLER."

"Helena, Montana, February 8, 1905.

To the Hon. Speaker and members of the House of Representatives of the Ninth Legislative Assembly of the State of Montana.

Sirs:—Yourselves and Ladies are cordially invited to attend a ball and entertainment given by the officers and members of Helena Aerie No. 16 Fraternal Order of Eagles, at the Auditorium this evening, Wednesday, February 8th.

Very respectfully,

W. F. ZIETZ,
FINLAY McRAE,
FRED HAUSWALD,
MARTIN DOTY,
J. A. RAAB,
Executive Committee.

NOTICE OF BILLS.

The following notices were given:

By Leiper: A Bill for an Act entitled "An Act providing that Water Users' Associations, organized in conformity with the requirement of the laws of the United States and the State of Montana for the furnishing of water only to its stockholders, shall be exempt from incorporation tax, Annual Franchise Tax, and fixing the fee required by law to be paid to the Secretary of State for filing and recording such Articles and Issuing Certificates of Incorporation."

By Mumbrue: A Bill for an Act entitled, "An Act authorizing the government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions."

By Mumbrue: A Bill for an Act entitled "An Act granting the right of way to the government of the United States for canals and ditches over and across lands belonging to the State of Montana."

By Sales: A Bill for an Act authorizing the issuance of Refunding Bonds to the amount of $100,000 for the purpose of redeeming and refunding at a lower rate of interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds, heretofore issued under Section 1630 to 1637, inclusive, of the Political Code of Montana.

By Sales: A Bill for an act to authorize the organization of Mutual Hail and Fire Insurance Companies.

By Blake: A Bill for an Act to amend Section 1903 of the Political Code of the State of Montana, as amended by Senate Bill No. 44, Session 1897, relating to the attendance of teachers at institutes, and the duties of School Trustees in the matter of closing their schools during the sessions of the County Institutes for teachers."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 65, "A Bill for an act entitled An Act prescribing the hours of labor, which shall constitute a day's work on all works or undertakings carried on or aided by Municipal, County or State Government and on all contracts let by them, and in Mills and Smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the provisions of this act," beg to refer the same back to the House with the recommendation that it do pass."

On motion by Wyman, report was adopted.

House Bill No. 65 was referred to Committee on Printing.

Also by Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 111, "A Bill for an Act entitled An Act for the protection of the health of Men Employed in Underground mines and in Smelters, Stamp Mills, Sampling Works, Concentrators, or any work where ores are mined or reduced, by regulating their Hours of employment and providing penalties for the violation thereof" would recommend that the same be indefinitely postponed, as House Bill No. 65 deals with the same subjects."

On motion by Ross, report was adopted.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 175, "A Bill for an Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana relating to Trustees of County Free High Schools; and for the repeal of Chapter LXIX of the Laws of 1903, approved March 5th, 1903," beg to report same back to the House with the recommendations that it do pass."

On motion by Dempster, report was adopted.

House Bill No. 175 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 171, "A Bill for an Act entitled An Act to amend Sections 860 and 861 of Chapter V, Title I, Part III, of the Political Code, relating to salaries of Justices of the Supreme Court and Judges of the District Court," beg to report the same back to the House with the recommendation that it do pass with the following amendment:

That Section 1 be amended by striking out the words "Five Hundred Dollars." "

On motion by Cone, report was adopted.

House Bill No. 171, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 168, "A Bill for an Act to amend Section 5040 of the Penal Code of the State

of Montana, relating to Public Morals," beg to report the same back to the House with the recommendation that it do pass with the following amendment:

That the Bill be amended, both in the Title and Page, by striking out the number "5040" and inserting in lieu thereof, the number "540,"

On motion by Ross, report was adopted.

House Bill No. 168, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 20, "A Bill for an Act to amend Sections 403 and 520 of the Civil Code of the State of Montana, relating to Corporations," beg to report the same back to the House with the recommendation that it be concurred in."

On motion by Sales, report was adopted.

Senate Bill No. 20 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 19, A Bill for an Act to amend Section 2977, Title I, Part IV, of the Penal Code of the State of Montana, relating to Compensation of Sheriffs for Transportation of Prisoners and Insane Persons," beg to report the same back to the House with the recommendation that it be concurred in."

On motion by Berry, report was adopted.

Senate Bill No. 19 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 156, A Bill for an Act to add to Chapter VI of Title IX, of the Penal Code of the State of Montana, relating to offenses against good morals, an additional Section to be designated Section 543, and relating to smoking of minors," beg leave to report same back to the House with the recommendation that it do pass as amended:

That Section 543 be amended by striking out, in line 1, the words "actually or apparently;" also amend Section 543 by adding thereto, the words "and in case such fine is not paid the person found guilty shall be confined in the County Jail one day for each Two Dollars of such fine."

On motion by Dempster, report was adopted.

House Bill No. 156 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 19, beg to report back to the House a Bill to be known as Substitute for House Bill No. 19, "A Bill for an Act entitled An Act to authorize Cities and Towns to create special Improvement Districts and to levy special assessments upon the property of such district for the purpose of defraying the cost of construction or acquiring a system of water works and of laying extensions to water mains," and recommend that said Substitute for House Bill No. 19 do pass."

On motion of Starz, report was adopted.

Substitute for House Bill No. 19 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 101, A Bill for an Act to amend an Act, entitled, "An Act to Regulate the Practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to establish a Board of Osteopathic Examiners, and to Punish persons violating the provisions of this Act," beg to report same back to the House with the recommendation that it do pass."

On motion by Buck, report was adopted.

House Bill No. 101 was referred to Committee on Printing.

"Mr. Speaker:

We, a majority of the Committee on Judiciary, having had under consideration House Bill No. 109, "A Bill for an Act to amend Section 470 of the Political Code of the State of Montana, as amended by Senate Bill No. 45 of the Laws of

1897, approved March 4, 1897, relating to the appointment of the State Land Agent," beg to report the same back to the House with the recommendation that it do pass.

MULRONEY, Chairman.
CONE,
SEWELL,
O. P. BRIGHAM,
LEIPER."

"We, the undersigned, the minority of your Committee on Judiciary, having had under consideration House Bill No. 109, "A Bill for an Act to amend Section 470 of the Political Code of the State of Montana, as amended by Senate Bill No. 45 of the laws of 1897, approved March 4, 1897, relating to the appointment of the State Land Agent," recommend that the said bill be indefinitely postponed.

JOHNSTON,
WALKER,
COLEMAN,
W. W. BERRY."

Berry moved to adopt the minority report.

Hewett moved, as a substitute to adopt the majority report.

Substitute motion carried; Ayes, 35; Noes 30. Majority report adopted.

House Bill No. 109 was referred to Committee on Printing.

"Mr. Speaker:

We, a majority of the Committee on Judiciary, having had under consideration House Bill No. 108, "A Bill for an Act to amend Section 1, of an act entitled, An Act to provide for an Assistant for the Register of the State Land Office; to Fix the salary thereof and designate the fund from which he shall be paid, approved February 24, 1899, relating to the appointment of Deputy Register," beg to report the same back to the House with the recommendation that it do pass.

MULRONEY, Chairman.
CONE,
SEWELL,
O. P. BRIGHAM,
LEIPER."

"Mr. Speaker:

"We, the undersigned, the minority of your Committee on Judiciary, having had under consideration House Bill No. 108, "A Bill for an Act to amend Section 1, of an Act entitled, "An Act to provide for an Assistant for the Register of the State Land Office; to Fix the salary thereof and designate the fund from which he shall be paid," approved February 24, 1899, relating to the appointment of Deputy Register," recommend that the said bill be indefinitely postponed.

JOHNSTON,
WALKER,
COLEMAN,
W. W. BERRY."

Blake moved to adopt majority report.

Johnston moved, as a substitute, to adopt minority report.

Substitute motion lost; Ayes 31; Noes 36.

Original motion carried; Ayes 37; Noes 31.

House Bill No. 108 was referred to Committee on Printing.

By Leiper:

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 154, A Bill for an Act for the submitting to the qualified electors of the State of Montana amendments to Article 5 of the Constitution of the State of Montana, relating to the Legislative Deparment, and providing for direct legislation; beg to recommend that the bill do pass with the following amendment:

That Section 1, from the beginning of line 23 to the word "Initiative" in line 28 be stricken out and the following inserted:

"The first power reserved by the people is the initiative and not less than eight (8) per cent of the legal registered voters of the State, which eight (8) per

cent must be obtained in a majority of the Counties of the State, and each county of said majority must furnish as signers of said petition at least eight (8) per cent of the legal registered voters therein shall be required to propose any measure by petition and every such petition shall include the full text of measure so proposed."

That Section 1, beginning from line 31 to the word "Referendum," in line 35 be stricken out and the following inserted:

"The second power is the Referendum and it may be ordered by petition signed by not less than five (5) per cent of the legal registered voters of the State, which five (5) per cent must be obtained in a majority of the counties of the State and each County of said majority must furnish as signers of said petition at least five (5) per cent of the legal voters therein."

That in Section 1, line 43 after the word "election" insert the words "except when the Legislative Assembly, by a majority vote, shall order a special election," also in line 45, of Section 1 after the word "effect" the following words be inserted:

"Unless such petition be signed by at least fifteen (15) per cent of the legal registered voters as hereinafter provided, in which case the law shall be inoperative until such time as it shall be passed upon by the people at an election."

On motion by Blake, report was adopted.

House Bill No. 154, with amendments, was referred to Committee on Printing.

By Brewster:

"Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 41, A Bill for an Act entitled, An Act to amend Section 3070 of the Political Code of the State of Montana, as amended by Section 2, of Chapter XCIV, of the Laws of 1903, relating to Bounty on Wild Animals," wish to report back a Substitute for same as follows:

A Bill for an Act entitled, "An Act to amend Sections 3070, 3071, 3072 and 3076, of the Political Code of Montana, as amended by an Act approved March 6, 1903; relating to the Bounties for the killing of certain wild animals, and beg leave to recommend that same do pass."

On motion by Leiper, report was adopted.

Substitute for House Bill No. 41 was referred to Committee on Printing.

By Burt:

"Mr. Speaker:

We, the Committee on Highways, having had under consideration House Bill No. 124, A Bill for "An Act entitled An Act to amend Sections 11 and 17 of Article III, of an Act of the Eighth Legislative Assembly of the State of Montana, entitled "An Act entitled, An Act for the Establishment of a Uniform system of Road Government and Administration in the Counties in the State of Montana, and to provide for the levy, collection and disposition of Road Tax, and provide penalties for the violation of the provisions of this Act; and to repeal an Act known as "House Bill No. 280," of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680, of the Political Code relating to the levy, collection and disposition of Road Taxes," approved March 4th, 1897, and to Repeal an Act known as "House Substitute for Senate Bill No. 38," of the Session laws of the Sixth Legislative Assembly of the State of Montana, entitled, "An Act to repeal Sections 2640, 2642, 2643 and 2680 as amended, of House Bill No. 280 of the Fifth Legislative Assembly of the State of Montana, relating to the levy and Collection and disposition of road tax, and to provide for the collection of a special road tax," approved March 3rd, 1899; and to repeal Senate Bill No. 71, of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the Establishment of a Uniform System of Road Government and Administration in the Counties of Montana." Approved March 16, 1901; and to repeal Sections 2600, 2601, 2602, 2603, 2604 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742,

2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, and 2849 of the Political Code of the State of Montana, approved March 2nd, 1903, report the same back to the House with the recommendation that it do not pass."

On motion by Leiper, report was adopted.

Also by Burt:

"Mr. Speaker:

We, the Committee on Highways, having had under consideration House Bill No. 129, A Bill for "An Act to Amend Sections 51, 52, and 53, of Chapter XLIV of the Laws of 1903, relating to the Inspection of Highways and Bridges by County Surveyors, and Providing for the Inspection of Highways and Bridges by a member of the Board of County Commissioners and for his compensation, would recommend that the Bill be amended by striking out, in Section 2, lines 11 and 12, after the words "per day" the words "and actual traveling expenses," and that it do pass as amended."

On motion by Hilman, report was adopted.

House Bill No. 129, with amendment, was referred to Committee on Printing.

Also by Burt:

"Mr. Speaker:

We, the Committee on Highways, having had under consideration House Bill No. 123, A Bill for "An Act to amend Section 11, Article III, Chapter XLIV, of the Laws of 1903, relating to Special Road Taxes," report same back to the House with the recommendation that it do pass."

On motion by Hilman, report was adopted.

House Bill No. 123 was referred to Committee on Printing.

Mr. Speaker re-referred House Bill No. 176 to Committee on Sanitary Affairs.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 125 as correctly engrossed."

House Bill No. 125 was placed on file for third reading.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Appropriations: H. B. No. 179, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for Rewards."

By Committee on Appropriations: H. B. No. 180, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of Attorney General."

By Committee on Appropriations: H. B. No. 181, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of Coal Mine Inspector for expenses incurred."

By Committee on Appropriations: H. B. No. 182, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Game and Fish Warden for expenses incurred."

By Geyman: H. B. No. 183, A Bill for An Act to amend Section 1314 and Section 1317 of the Code of Civil Procedure of Montana."

By Richardson: H. B. No. 184, A Bill for an Act to regulate the practice of barbering and licensing of persons to carry on such practice, and providing punishment for its violation."

By Johnston: H. B. No. 185, A Bill for an Act appropriating money for the payment of the claim of P. B. Moss, on account of reward paid by him for the apprehension and arrest of Samuel E. Grady and Orton O. Mosier, for the crime of murder.

By Brigham: H. B. No. 186, A Bill for an Act entitled "An Act relating to Bonds issued by Foreign Surety Companies, authorized to do business in this State."

By Leiper: H. B. No. 187, A Bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the Recording of Articles of

Incorporation and Stock Certificates of Water Users' Associations Organized under the National Reclamation Act, and Prescribing the fees for such recording."

By Hewett: H. B. No. 188, A Bill for an Act entitled "An Act appropriating money for the payment of the Claims of J. H. Calderhead and O. M. Holmes for Expenses Incurred and Services rendered in the Publication and distribution of 50,000 copies of the Extra Edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry."

Linderman asked for unanimous consent to introduce a bill without previous notice.

Request granted.

By Linderman: H. B. No. 189, A Bill for an Act making it a misdemeanor to give false information to a newspaper or other publication; to provide for its enforcement, and a penalty for its violation.

MOTIONS AND RESOLUTIONS.

By Mumbrue:

"HOUSE JOINT RESOLUTION NO. 4.

RESOLVED by the Legislative Assembly of the State of Montana that the action of the government of the United States in extending aid and co-operation in the reclamation of the arid lands of the state is cordially approved, and all officers and agents of the state are instructed to facilitate the operation of the government in reclaiming arid lands of the state in all respects not inconsistent with law." Resolution adopted.

READING OF SENATE BILLS.

On motion by Linderman, all bills, except Appropriation Bills, were read first and second times by title only.

S. B. No. 31, read first and second times, and referred to Committee on Townships and Counties.

S. B. No. 36, read first and second times, and referred to Committee on Judiciary.

S. B. No. 42, read first and second times, and referred to Committee on Railroads and Transportation.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 179, read first and second times, and referred to Committee on Printing.

H. B. No. 180, read first and second times, and referred to Committee on Printing.

H. B. 181, read first and second times, and referred to Committee on Printing.

H. B. No. 182, read first and second times, and referred to Commitee on Printing.

H. B. No. 183, read first and second times, and referred to Committee on Judiciary.

H. B. No. 184, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 185, read first and second times, and referred to Committee on Appropriations.

H. B. No. 186, read first and second times, and referred to Committee on Judiciary.

H. B. No. 187, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 188, read first and second times, and referred to Committee on Appropriations.

H. B. No. 189, read first and second times, and referred to Committee on Judiciary.

The following was read:

"Senate Amendment to House Bill No. 89.

Amend Section 1054, by adding after the word "wilfully," the words "or maliciously."

Linderman moved that the Senate Amendment to House Bill No. 89 be concurred in. Motion carried.

House Bill No. 89, with Senate Amendment, was referred to Committee on Enrollment.

THIRD READING OF SENATE BILLS.

On motion by Lanstrum, the rules were suspended and all Bills, except appropriation bills, were read the third time by title only.

Senate Bill No. 26, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—63.

Noes—Lannin, Shannon and Sullivan of Lewis and Clarke—3.

Absent and not voting—Kennedy, Mulroney, Murphy, O'Brien, Roll and Wilson—6.

Title agreed to.

Senate Bill No. 27, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—Dempster, Lannin, Murphy and Shannon—4.

Absent and not voting—Kennedy, Mulroney, Macdonald and Roll—4.

Title agreed to.

House Bill No. 125, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—68.

Noes—None.

Absent and not voting—English, Huntington, Kennedy and Mulroney—4.

Title agreed to.

GENERAL ORDERS.

On motion by O'Connor, consideration of House Bill No. 102 was deferred until Friday.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bills Nos. 19 and 20 and House Bill No. 94.

Coleman in the chair.

House resumed.

Mr. Speaker, Pro Tem, in the chair.

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 20, By Whipple, A Bill for an Act to Amend Sub-division VI, of Section 403, and to add Sub-division VIII, to Section 520, of the Civil Code, of the State of

Montana, Relating to Corporations, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 19, By Whipple, A Bill for an Act to Amend Section 2977, Title One, Part IV, of the Penal Code, of the State of Montana, Relating to compensation of sheriffs for transportation of prisoners and insane persons, reports same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 94, introduced by Lanstrum, A Bill for an Act to Amend an Act to Amend Section 1920, Part III, Title III, of the Political Code of the State of Montana, as amended by an Act approved March 3rd, 1903, relating to the compulsory education of children between the ages of 8 and 16 years, reports same back to the House with the recommendation that it do pass."

On motion by Lanstrum, report was adopted.

Senate Bill No. 20 was placed on file for third reading.

Senate Bill No. 19 was referred to Committee on Judiciary.

House Bill No. 94 was referred to Committee on Engrossment.

Linderman moved that, when the House adjourn, it adjourn until 2 P. M. tomorrow.

Dempster moved, as an amendment, that, when the House adjourn, it adjourn until 10 A. M. tomorrow.

Amendment lost. Original motion carried.

NOTICES OF BILLS.

The following notices were given:

By Mumbrue: A Bill for an Act entitled An Act to Promote Co-operation of the State of Montana with the National Government and Enable Montana to Receive the full Benefit of National Irrigation Law, by Providing for the Creation of a Commission to Prepare and Report on a Revised Irrigation Code, Fixing Number of Members, Method of Appointment, Duties and Compensation, and Appropriating Five Hundred Dollars ($500.00) for necessary expenses of said Commission."

By Wyman: A Bill for an Act entitled An Act authorizing the Sheriff of any County and the Chief of Police of any City, or incorporated town, to take photographs of any person arrested for crime.

By Dempster: A Bill for an Act to amend Sub-division 5, Section 3701, of the Political Code of the State of Montana, relating to the Assessment of Property.

GENERAL ORDERS.

On motion by Wyman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 74 and 110

Wyman in the chair.

House resumed.

Mr. Speaker in the Chair.

Wyman, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 74, Introduced by Blake, A Bill for An Act entitled an Act to provide that all graduates of the University of Montana, who have taken at least one year in the Department of Psychology and Method shall be entitled to teach in the Public Schools of Montana without other or further examination, reports same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration House Bill No. 110, introduced by C. A. Wilson, A Bill for an Act entitled an Act to determine the liability of persons or corporations operating mines, smelters or mills in this State for damages sustained by employees thereof, and to declare void contracts restricting liability, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 2, line 7, by striking out, after the word "into", the words "either before or after"; and inserting in lieu thereof the word "before." "

On motion by Wyman, report was adopted.

House Bill No. 110, with amendment, was referred to Committee on Engrossment.

House Bill No. 74 was placed on General Orders.

On motion by Murray, at 4:40 P. M., the House adjourned.

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Speaker.

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Chief Clerk.

THIRTY-NINTH DAY

Thursday, February 9th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called. All members present except Coleman and Kennedy.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having examined and read Journal of Wednesday, February 8th, and believe same to be correct."

On motion by Wyman, report was received and placed on file.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committtee on Enrollment report the following House Bills as correctly enrolled this 9th day of February, 1905.

House Bill No. 89. An Act to amend Section 1054 of the Penal Code, as amended by Chapter LXIV of the Laws of 1903, Relating to Trespass and Adding thereto a Subdivision Relating to Trespass on Vacant Buildings.

House Bill No. 103. An Act making it unlawful for any person to Require the giving of Surety Bonds in Corporations not Authorized to Transact Business in the State of Montana."

Mr. Speaker announced to the House that he was about to sign House Bill No. 89, An Act to amend Section 1054 of the Penal Code, as amended by Chapter LXIV of the Laws of 1903, by adding thereto a subdivision relating to trespass on vacant buildings.

Mr. Speaker announced that he was about to sign House Bill No. 103, An Act making it unlawful for any person to Require the giving of Surety Bonds in Corporations not Authorized to Transact Business in the State of Montana.

A Protest was received from members of Summit Camp No. 328, Woodmen of the World, against the passage of a measure to tax Fraternal Beneficiary Societies or placing them under State Control. Referred to Committee on Insurance.

The following was read:

"Mr. Speaker:

The Joint Committee of the Senate and House beg leave to recommend the adoption of the Joint Rules of the Eighth Legislative Assembly for the Government of the Senate and House of Representatives of this Session.

THOS. M. EVERETT, Chairman of House Committee.
E. A. JOHNSON, Chairman Senate Committee."

On motion by Everett, report was adopted.

Mr. Speaker appointed the following as members of the Steering Committee: English, Wiedeman, Brigham, Wood and Dempster.

COMMUNICATIONS AND PETITIONS.

The following were received:

"Mr. Speaker:

I am directed by the Senate to inform you that the Senate refused to agree to House amendments to Senate Bill No. 27 and asks for a conference, also that

Senators Whipple, White and Miles have been appointed a Committee of three to confer with like Committee of the House regarding such amendments.

Respectfully,

C. E. WIGHT, Secretary."

Everett moved that a Committee of three be appointed by the Speaker, to confer with a like Committee from the Senate, regarding amendments to Senate Bill No. 27.

Motion carried; and Mr. Speaker appointed Everett, Brewster and Meunier as such Committee.

"Helena, Montana, Feb. 8th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of Bills were this day given as follows:

By Kohrs: A Bill for an Act defining Public and Private Roads, providing for the method of creating Private roads, and defining the rights of the public as to the use of same, and providing for the punishment of persons violating any of the provisions of this Act.

By White: A Bill for an Act requiring State Officers, Officials and persons in charge of State Institutions to make out quarterly reports of property in their charge, filing the same and providing penalties for failure so to do.

By White: A Bill for an Act relating to Corporations.

By White: A Bill relating to the time for commencing action.

By Donlan: A Bill relating to conveyance.

By Tooley: A Bill for an Act to provide for the consolidation of the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization; providing for the appointment of the clerk to said Boards and fixing his compensation.

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Feb. 8th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 49, by Kohrs: A Bill for an Act to authorize the appointment of a Water Commissioner for the measurement, distribution and division of water, under decree of court, and to regulate proceedings in connection therewith.

Senate Bill No. 50, by Committee on Judiciary: A Bill for an Act entitled, "An Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as amended by an Act Approved March 11, 1901, entitled, "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," providing for the number of Judges of the several District Courts of the State of Montana."

Senate Bill No. 51. by McCarthy: A Bill for an Act to authorize the organization of Mutual Hail and Fire Insurance Companies.

Senate Bill No. 52, by Martien: A Bill for an Act to amend sub-division 66, of Section 4800 of the Political Code, as said Section 4800 reads as amended by an Act approved March 8th, 1897, so as to prescribe the maximum fare chargeable on street railroads, existing or hereafter to be constructed in towns having a population of more than 10,000.

Senate Bill No. 53, by Yegen: A Bill for an Act entitled, "An Act to annex a portion of Fergus County, Montana, to Yellowstone County, Montana, and to alter the boundaries of said Counties to conform thereto and providing for the adjustment of the indebtedness of the respective counties, and providing for the disposition of suits now pending in the District Court of the Tenth Judicial District."

Respectfully,

C. E. WIGHT, Secretary."

"Helena, Montana, Feb. 8th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 20 and 54 were this day indefinitely postponed and are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following was read:

"Mr. Speaker:

I wish at this time to withdraw my notice of intention to introduce a Bill relating to granting right of way for ditches and canals over State Lands, as a Bill of like nature has already been introduced.

MUMBRUE."

Permission granted.

By Selway: A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.

By Lanstrum: A Bill for an Act, entitled "An Act to repeal Section 681 of Part IV, Division I, of the Civil Code of Montana, relating to the taxation of Premiums received by Insurance Companies, and corporations doing business in this State."

By Leiper: A Bill for an Act providing for the reimbursement of the Lower Valley Water Users' Association for money paid by it for the filing of its Articles of Incorporation.

By Leiper: A Bill for an Act providing for the appropriating of money for mileage and per diem of M. A. Wellman while in attendance as a de facto member of this body; also for defraying certain expenses incurred in contest cases.

By Sykes: A Bill for an Act approving Duplicate Bounty Certificates Nos. 146 and 222 in favor of Perry L. McCrea and Appropriating Money for the Payment thereof.

By Committee on Ways and Means: A Bill for an Act entitled An Act to amend Section 1318 of the Political Code, relating to Elections.

By Committee on Ways and Means: A Bill for an Act entitled An Act to amend Section 4233 of the Political Code of the State of Montana, relating to County Printing.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 128, introduced by Murray: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of Lizzie Murphy for services rendered as stenographer to the office of the State Superintendent of Public Instruction during the months of July, August, September, October and November, 1903." recommend that said bill do pass."

On motion by Blake, report was adopted.

House Bill No. 128 was referred to Committee on Printing.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 82, introduced by Hewett, A Bill for an Act entitled, "An Act appropriating money for the payment of the per diem and mileage of certain persons as presidential electors for the year 1905." recommend that said Bill do pass."

On motion by O'Connor, report was adopted.

House Bill No. 82 was referred to Committee on Printing.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 107, introduced by Wood, A Bill for an Act appropriating money to the historical and miscellaneous department of the State Library for the purpose

of purchasing bound volumes of newspapers, periodicals, state reports, histories, maps, medical and scientific books, works on insurance, and for finishing the fireproof vaults used by said department, recommend that said Bill do pass with the following amendment:

Section 1. Strike out the words "three thousand Dollars" and insert in lieu thereof the words "twenty-five hundred dollars."

On motion by Starz, report was adopted.

House Bill No. 107, with amendment, was referred to Committee on Printing.

By Lanstrum:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration House Bills Nos. 130 and 133, beg leave to offer Substitute for House Bills Nos. 130 and 133, "A Bill for an Act entitled, An Act to regulate the rate per mile for transportation of passengers on railroads and railways operated wholly or in part in the State of Montana, and providing penalties for the violation thereof." and recommend that Substitute do pass.

On motion by Linderman, report was adopted.

Substitute for House Bills Nos. 130 and 133 was referred to Committee on Printing.

By Brewster:

"Helena, Montana, Feb. 6, 1905.

Mr. Speaker:

Your Committee on Livestock and Public Ranges, having had under consideration House Bill No. 45, A Bill for an Act "Giving the owners of certain animals the right to sue persons marking, branding, killing or selling the same," beg to report the same back to the House with the recommendation that it do not pass."

On motion by Brewster, report was adopted.

Also by Brewster:

"Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 17, A Bill for "An Act to Provide for the Gathering and Sale of Unknown Strays upon the Public Domain," beg leave to report the same back to the House with the recommendation that it be amended as follows:

Amend Section 1, line 6, after the word "thereof" by inserting the words, "or whenever the brand, though not altered, obliterated, defaced, blotched, or imperfectly applied, is unknown, or the owner of which cannot with reasonable diligence be found," we recommend the Bill as amended be concurred in.

On motion by Brewster, report was adopted.

Senate Bill No. 17, with amendment, was placed on General Orders.

Also by Brewster:

"Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 148, A Bill for "An Act to Amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the Duties of Butchers and Other Persons Slaughtering Cattle and Purchasing Hides," respectfully report the same back to the House with the recommendation that it do pass."

On motion by Brewster, report was adopted.

House Bill No. 148 was referred to Committee on Printing.

House Bill No. 174 was re-referred to Committee on State Boards and Officers.

House Bill No. 183 was re-referred to Committee on Mines and Mining.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file.

By Wyman: H. B. No. 190, A Bill for an Act entitled "An Act authorizing the Sheriff of any County and the Chief of Police of any city, or incorporated town to take photographs of any persons arrested for crime."

By Blake: H. B. No. 191, A Bill for an Act to amend Section 1903 of the Political Code of the State of Montana, as amended by Senate Bill No. 44, Session of 1897, relating to the attendance of teachers at institutes, and the duties

of School Trustees in the matter of closing their schools during the session of the county institute for teachers.

By Mumbrue: H. B. No. 192, A Bill for an Act entitled "An Act authorizing the government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions."

By Mumbrue: H. B. No. 193, A Bill for an Act entitled An Act to Promote Co-operation of the State with the National Government and Enable Montana to receive the full benefit of National Irrigation Law, by providing for the Creation of a Commission to Prepare and report on a Revised Irrigation Code, Fixing Number of Members, Method of Appointment, Duties and Compensation and Appropriating Five Hundred Dollars for Necessary Expenses of said Commission.

By Leiper: H. B. No. 194, A Bill for An Act entitled, "An Act providing that Water Users' Associations, organized in Conformity with the Requirements of the Laws of the United States and the State of Montana for the Furnishing of Water only to its stockholders, shall be exempt from Incorporation tax, Annual Franchise Tax, and Fixing the fee required to be paid to the Secretary of State for Filing and Recording such Articles and Issuing Certificates of Incorporation."

By Sales: H. B. No. 195, A Bill for an Act to Authorize the Organization of Mutual Hail and Fire Insurance Companies.

MOTIONS AND RESOLUTIONS.

By Ross: "WHEREAS, the Honorable Joseph M. Dixon, M. C. from the State of Montana, has introduced a bill, permitting the taking of 640 acre tracts of land as Homestead Entries, I move that the Speaker of this House appoint a Committee of three members, to gather the opinions of the members of this Legislature upon the above bill; and in case of sufficient sentiment being found favorable, to draft a House Concurrent Memorial to Congress, conveying the sentiments of the membership of this Assembly."

Carried, and Mr. Speaker appointed Ross, Murray and Macdonald as such Committee.

By Lanstrum:

"Mr. Speaker:

I move that the thanks of the House be extended to Helena Aerie No. 16, Fraternal Order of Eagles, for the entertainment extended them at the Ball of that order."

Dempster seconded the motion.

Motion carried.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 8, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Bill No. 56, "An Act to create the County of Sanders and designate the boundaries and provide for its organiation and government."

J. K. TOOLE, Governor."

Also:

"Helena, Montana, Feb. 9, 1905.

To the House of Representatives of the Ninth Legislative Assembly of Montana:

Gentlemen:—We have the honor to submit herewith, statement of claims in the sum of $378.35, which shows:

A. The name of the person to whom the State is indebted.

B. The nature of such indebtedness.

C. The amount of such indebtedness.

D. The reason why such claim has not been paid.

Accompanying this statement are the bills presented to this Board in the nature of vouchers for the services rendered, or material furnished.

Very respectfully,
The State Board of Examiners,

By J. K. TOOLE, President,
ALBERT J. GALEN,
A. N. YODER, Secretary."

"BILLS REFFERRED TO THE NINTH LEGISLATURE.

No. 1, Claimant, Powell County; Nature of Claim, Costs in the case of John Sullivan, a prisoner against whom information was filed for assault in the first degree, said prisoner being at the time confined in the State Prison at Deer Lodge, Montana; amount $387.35; Why not paid, Appropriation exhausted."

To the House of Representatives of the Ninth Legislative Assembly of Montana.

Gentlemen:—We have the honor to submit herewith statement of claims against the State arising from the slaughter of diseased animals under the provisions of Sections 3005 and 3006 of the Poltical Code. These claims are disapproved for the reason that there are no funds to pay the same.

In passing upon these claims the Board has not undertaken to pass upon the merits of the same and do not wish it understood that it stands committeed upon the question of valuation in any case, as it has not had the opportunity or facilities for investigation.

Very respectfully,
The State Board of Examiners.
By J. K. TOOLE, President,
ALBERT J. GALEN,
A. N. YODER, Secretary."

"List of claims against the State arising from the slaughter of diseased animals under the provisions of Sections 3005 and 3006 of the Political Code.

Claimant	Nature of Claim		Amount
Eigenman & Jacot,	6 slaughtered cows		"$180.00
J. T. Phillips,	Justice Fees		5.00
W. W. White,	Constable Fees		9.20
Henry Glendening,	Appraiser Fees		3.00
John D. Moore,	Appraiser Fees		3.00
Bart Para,	Burial 27 cows		135.99
Harry C. Burgess,	5 slaughtered cows		185.00
Adolph Venetz,	Burial 4 cows		20.00
Chas. Klane,	Appraiser fees		15.00
C. H. Ringwald,	Appraiser fees		12.00
K. B. McIver,	15 slaughtered cows	$550.00	
	Burial of above	75.00	
			625.00
J. B. Taylor,	8 slaughtered cows		195.00
Total			$1387.20"

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Sales: H. B. No. 196, A Bill for an Act authorizing the Issuance of Refunding Bonds to the amount of One Hundred Thousand Dollars ($100,000.00), for the purpose of redeeming and refunding at a lower rate of Interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds heretofore issued under Sections 1630 to 1637 inclusive of the Political Code of Montana.

By Committee on Appropriations: H. B. No. 197, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian."

By Committee on Appropriations, H. B. No. 198: A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for supplies furnished the Meat and Milk Inspection Board."

By Committee on Appropriations: H. B. No. 199, A Bill for an Act entitled, "An Act making an appropriation for the payment of the deficiency claim of John F. Patterson for services rendered the State of Montana, as Deputy Sheep Inspector."

By Committee on Appropriations: H. B. No. 200, A Bill for an Act appropriating money for the purpose of refunding to Counties the States' Portion of all taxes, percentum and costs, paid more than once or erroneously or illegally collected and thereafter refunded by such Counties, and providing for such refunding.

READING OF HOUSE BILLS.

On motion by Bennett, the rules were suspended, and all bills, except Appropriation Bills, were read first and second times by title only.

The following were taken from the file:

H. B. No. 190, read first and second times, and referred to Committee on Judiciary.

H. B. No. 191, read first and second times, and referred to Committee on Education.

H. B. No. 192, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 193, read first and second times, and referred to Committee on Irrigation and Water Rights, and after that Committee shall have passed upon it, it is to be re-referred to the Committee on Appropriations.

H. B. No. 194, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 195, read first and second times, and referred to Committee on Insurance.

H. B. No. 196, read first and second times, and referred to Committee on Judiciary.

H. B. No. 197, read first and second times, and referred to Committee on Printing.

H. B. No. 198, read first and second times, and referred to Committee on Printing.

H. B. No. 199, read first and second times, and referred to Committee on Printing.

H. B. No. 200, read first and second times, and referred to Committee on Printing.

THIRD READING OF SENATE BILLS.

On motion by Lanstrum, the rules were suspended, and all Bills, except Appropriation Bills, were placed upon their final passage after being read by title and history only.

Senate Bill No. 20, having been read three several times, was not concurred in by the following vote:

Ayes—Blake, Brigham, Buck, Christian, Collier, Cone, English, Forsythe, Harrington, Hayes, Hilman, Johnston, Leiper, Linderman, Metcalf, Mulroney, Quigley, Richardson, Roach, Selway, Sewell, and Williams—22.

Noes—Bennett, Blankenship, Brewster, Burt, Carriher, Decker, Dempster, Everett, Geyman, Huntington, Lannin, Lanstrum, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—39.

Absent and not voting—Berry, Bembrick, Canoll, Coleman, Fairbanks, Hewett, Kennedy, Meunier, Sullivan of Lewis and Clarke, Vandyck and Walker—11.

REPORTS OF STANDING COMMITTEES.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 94 and 110 as correctly engrossed."

House Bills No. 94 and 110 were placed on file for third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 94, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sykes, Teskey, Vandyck, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—MacGinnis—1.

Absent and not voting—Bembrick, Coleman, Fairbanks, Hewett, Kennedy, Meunier, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Walker and Wiedeman—10.

Title agreed to.

Senate Bill No. 110, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Decker, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hewett, Hilman, Johnston, Huntington, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, and Mr. Speaker—58.

Noes—O'Brien and Shannon—2.

Absent and not voting—Carriher, Coleman, Cone, Fairbanks, Geyman, Kennedy, Lannin, Leiper, Meunier, Quigley, Walker and Wyman—12.

Title agreed to.

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 74 and Senate Bill No. 17.

Mumbrue in the Chair.

House resumed.

Mr. Speaker in the Chair.

Mumbrue, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 74, introduced by Blake, A Bill for an Act entitled An Act to prvoide that all graduates of the University of Montana, who have taken at least one year in the Department of Psychology and Method shall be entitled to teach in the Public Schools of Montana without other or further examination, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 17, introduced by McDonnell, A Bill for an Act to provide for the Gathering and Sale of Unknown Strays upon the Public Domain, reports same back to the House with the recommendation that it be not concurred in."

On motion by Sanden, report was adopted.

House Bill No. 74 was referred to Committee on Engrossment.

REPORT OF STANDING COMMITTEE.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Joint Resolution No. 2, Substitute for House Bill No. 57, Substitute for Senate Bill No. 2 and House Bill No. 4, and House Bills No. 100 and 85, have been returned correctly printed and are ready for General Orders."

Report received and House Joint Resolution No. 2, Substitute for House Bill No. 57, Substitute for Senate Bill No. 2 and House Bill No. 4, and House Bills No. 100 and 85, were placed on General Orders.

GENERAL ORDERS.

On Motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of Substitute for House Bill No. 57, House Joint Resolution No. 2, and Substitute for Senate Bill No. 2 and House Bill No. 4.

Mumbrue in the chair.

House resumed.

Mr. Speaker in the chair.

Mumbrue, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bill No. 57, Introduced by Committee on Livestock and Public Ranges, A Bill for An Act declaring trespass by livestock held in herd to be a misdemeanor and prescribing the punishment therefor, and repealing an Act en-

titled, "An Act to protect the owners of real estate and claimants under any of the land laws of the United States, and lessees of State Lands from trespass by depredation or injury from livestock held in herd", approved March 6, 1903, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Resolution No. 2, introduced by Starz;

BE IT RESOLVED, by the House of the Ninth Legislative Assembly, the Senate concurring, that the State Board of Examiners be, and they are hereby empowered and directed to appoint a commission of three suitable and competent persons, within thirty days from the passage and approval of this resolution, and that said commissioners so appointed shall have power to examine into and report upon the advisability and feasibility of acquiring a permanent water supply for the use of the State Capitol and grounds, as recommended in the Governor's message. And be it further Resolved, that said commission shall have power to investigate any plans that may be submitted, to secure estimates upon the cost of construction and maintenance of an adequate water system, to gather all requisite information, and to present their findings and recommendations to the next Legislative Assembly on or before the first day of the session thereof, and that the State Engineer, be and is hereby directed to co-operate with said commission, and to perform all the professional services required for the furtherance of the plan outlined by this resolution, reports same back to the House with the recommendation that it be adopted.

Also having had under consideration Substitute for Senate Bill No. 2 and House Bill No. 4, Introduced by Committee on Railroads and Transportation, A Bill for an Act to amend Sections 950 and 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of livestock, reports same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 1, line 3, by striking out, after the words "good and," the word "sufficient" and inserting in lieu thereof the word "legal."

Amend Section 1, by striking out all of the Section after the word "maimed" in line 8.

Amend Section 1, line 4, by inserting after the word "property", the words "and maintain at all crossings, cattle guards over which cattle or other domestic animals cannot pass."

Amend Section 1, line 5, by inserting after the word "fence" the words, "and guards." "

On motion by Sanden, report was adopted.

Substitute for House Bill No. 57, House Joint Resolution No. 2, and Substitute for Senate Bill No. 2 and House Bill No. 4, with amendments, were referred to the Committee on Engrossment.

MOTIONS AND RESOLUTIONS.

By Lannin:

"Mr. Speaker:

I move that all Bills be placed on the desk of the members at LEAST three hours before their consideration." Motion lost.

Lanstrum moved that, when the House adjourn, it adjourn until 2 P. M. tomorrow.

Dempster moved, as an amendment, as follows:

"Mr. Speaker:

In view of the fact that we have but a few days more in which to pass a Primary Election Law, Initiative and Referendum, and other important measures, I move that, when we adjourn, we adjourn to meet at 10 o'clock tomorrow morning."

Amendment lost; original motion carried.

COMMUNICATIONS AND PETITIONS.

Protests were received from various Fraternal Beneficiary Societies of the

State, against the passage of a measure taxing Fraternal Beneficiary Societies or placing them under State Control. Referred to Committee on Insurance.

On motion by Leiper, at 5:15 P. M., the House adjourned.

.....

Speaker.

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Chief Clerk.

FORTIETH DAY

Friday, February 10, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All present.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Thursday, February 9th, and believe same to be correct."

On motion by O'Connor, report was adopted.

COMMUNICATIONS AND PETITIONS.

Protests were received from various Fraternal Beneficiary Societies of the State, against the passage of a measure taxing Fraternal Beneficiary Societies or placing them under State control.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a notice of the introduction of the following bill was given today:

By McLean: A Bill relating to the removal of Mortgaged Personal Property from the place where it is situated at the time it is mortgaged.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 9, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Committee was this day appointed by the President:

No. 27. Steering Committee: Donlan, Maddox, Waite, Whipple and Durham.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 25 was today read third time and passed and is herewith transmitted to the House for its concurrence; that House Bills Nos. 42 and 52, as amended, and House Bills Nos. 35 and 75 were read third time and concurred in and are herewith returned to the House; that Senate Joint Memorial No. 2 was read third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully,

C. E. WIGHT, Secretary."

House Bills Nos. 35 and 75 were referred to Committee on Enrollment.

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a notice of the introduction of the following Bill was today given:

By Sherlock: A Bill relating to the licensing of persons who sell liquors in less quantities than one quart and to increase the same.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 10th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Concurrent Resolution No. 3 was today not concurred in and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the report of the Conference Committee on House Bill No. 55, as to striking out Senate amendment, was adopted and Bill concurred in, and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the vote by which House Bill No. 54 was not concurred in, was today reconsidered and you are hereby respectfully requested to return same to Senate for their further consideration.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 54, by White: A Bill for an Act to amend Section 472 of the Civil Code of Montana, relating to Corporations.

Senate Bill No. 55, by White: A Bill for an Act requiring State Officers, Officials and persons in charge of State Institutions to make out quarterly reports of property in their charge and file same and providing penalties for failure so to do.

Senate Bill No. 56, by White: A Bill for an Act to amend Section 523 of the Code of Civil Procedure, relating to the time of commencing Actions.

Senate Bill No. 57, by Donlan: A Bill for an Act to amend Section No. 1642 of the Civil Code, relating to conveyances.

Senate Bill No. 58, by Tooley: A Bill for an Act entitled, "An Act to repeal Chapter CXXVI of the Laws of 1903, and to provide for the consolidation of the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization; providing for the appointment of a Clerk to said Boards and fixing his compensation.

Senate Bill No. 59, by Bentall: A Bill for an Act entitled, "An Act to amend Section 4230 of the Political Code relative to the jurisdiction and power of County Commissioners, by adding an additional subdivision thereto."

Senate Bill No. 60, by Bentall: A Bill for an Act entitled, "An Act to amend Section 4240 of the Political Code relative to the authority of County Commissioners to issue Bonds on the credit of the County."

Respectfully,

C. E. WIGHT, Secretary."

A Petition was received from the Society of Montana Farmers of Cascade County, Montana, praying for the passage of certain amendments to the Road Laws. Referred to Committee on Highways.

A Petition was received from certain Retail Druggists of Butte, protesting against the passage of House Bill No. 30. Referred to Committee on Sanitary Affairs.

A Petition was received from Helena Typographical Union No. 95, asking

for the passage of an Act to amend or substitute Act No. 4233, Approved March 2nd, 1895. Placed on file.

REPORTS OF STANDING COMMITTEES.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled, this tenth day of February, 1905.

House Bill No. 35, An Act entitled an Act to authorize and empower Cities and Towns to Establish, Maintain and Regulate Public Bathing Places.

House Bill No. 75. An Act entitled An Act to Correct the Spelling of the Name, "Lewis and Clarke County."

Mr. Speaker announced that he was about to sign House Bill No. 35, An Act to authorize and Empower Cities and Towns to Establish, Maintain and Regulate Public Bathing Places.

Mr. Speaker announced that he was about to sign House Bill No. 75, An Act to Correct the spelling of the Name. "Lewis and Clarke County."

NOTICES OF BILLS.

The following notices were given:

By MacGinnis: A Bill for an Act authorizing the Governor to appoint and provide for compensation of an Agent to prosecute claims of the State of Montana against the United States.

By Potter: A Bill for an Act "To amend Section 1506, Chapter III, Title IX, Part II of the Code of Civil Procedure of the State of Montana, relating to the service of Summons in Justice's Courts."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 151, "A Bill for an act entitled An Act to provide for the employment of State Prison Convicts for the benefit of the State, or any Political Division thereof" beg leave to recommend that the same be indefinitely postponed."

Wilson moved to adopt report.

Substitute motion by Lannin, that the report be received and House Bill No. 151 be printed and placed on General Orders.

Substitute motion carried. House Bill No. 151 referred to Committee on Printing.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills numbers 37, 105, 61, 113, 114, 155, 140 and Substitute for House Bills 11, 43, 86 and 153 have been returned correctly printed and are ready for General Orders."

House Bills Nos. 37, 105, 61, 113, 114, 155, 140 and Substitute for House Bills 11, 43, 86 and 153 were placed on General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 196, A Bill for "An Act Authorizing the Issuance of Refunding Bonds to the amount of One Hundred Thousand Dollars ($100,000.00), for the Purpose of Redeeming and Refunding at a lower Rate of Interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds heretofore Issued under Section 1630 to 1637 inclusive, of the Political Code of Montana," beg leave to report same back to the House with the recommendation that it do pass as amended:

Strike out the word "land" in line 10 of Section 3 and insert in lieu thereof the words "public lands."

Strike out the word "land" in line 6 of Section 4; and strike out, in line 2 of Section 5, the word "insertions" and insert in lieu thereof the words "weeks daily."

On motion by Everett, report was adopted.

House Bill No. 196, with amendments, referred to Committees on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 36, "An Act to Detach Meagher County from the Ninth Judicial District, and to Annex it to the Tenth Judicial District," beg to report same back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Senate Bill No. 36 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 147, A Bill for an Act changing the Eighth and Eleventh Judicial Districts of the State of Montana so that the Eleventh Judicial District shall be composed of Flathead County and the Eighth Judicial District shall be composed of Cascade and Teton Counties; providing for the transaction of Judicial Business in the Counties of Cascade and Teton; and to amend an Act entitled, "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," passed by the Seventh Legislative Assembly, and approved March 11, 1901, and to provide for an additional Judge for the Eighth Judicial District of the State of Montana, beg to report same back to the House with the recommendation that it be indefinitely postponed."

On motion by Berry, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 189, A Bill for an Act making it a misdemeanor to give false information to a newspaper or other publication; to provide for its enforcement and a penalty for its violation," beg to report same back to the House with the recommendation that it be indefinitely postponed."

Everett moved to adopt.

Linderman moved, as a substitute, that House Bill No. 189 be printed and placed on General Orders.

Substitute motion carried. House Bill No. 189 was referred to Committee on Printing.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 74, Substitute for House Bill No. 57, Substitute for Senate Bill No. 2 and House Bill No. 4, and House Joint Memorial No. 2 as correctly engrossed."

Report received.

House Bill No. 74, Substitute for House Bill No. 57, Substitute for Senate Bill No. 2 and House Bill No. 4, and House Joint Memorial No. 2 were placed on file for third reading.

By Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 194, A Bill for an Act entitled "An Act Providing that Water Users' Associations, Organized in Conformity with the Requirements of the Laws of the United States and the State of Montana for the Furnishing of Water only to its Stockholders, shall be Exempt from Incorporation Tax, Annual Franchise Tax, and Fixing the Fee Required to be paid to the Secretary of State for Filing and Recording such Articles and Issuing such Certificate of Incorporation," beg leave to report the same back to the House with the recommendation that it do pass."

On motion by Leiper, report was adopted.

House Bill No. 194 was referred to Committee on Printing.

Also by Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 192, A Bill for "An Act entitled, "An Act Authorizing the Gov-

ernment of the United States to Appropriate the Water of the Streams in the State of Montana, Subject to Certain Restrictions," respectfully report the same back to the House with the recommendation that it do pass."

On motion by Mumbrue, report was adopted.

House Bill No. 192 was referred to Committee on Printing.

Also by Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 143, A Bill for an Act entitled, "An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other Irrigation System of the National Government," beg leave to report the same back to the House with the recommendation that it do pass with the following amendment:

In Section 2, after the word "provided", insert the following: "that before such Right of Way shall attach, and as a condition precedent thereto, the proper authorities of the government of the United States shall file with the Register of State Lands a map or plat of the Right of Way claimed for the ditch or canal, with reference to established section corners and minor survey divisions, and Provided Further".

On motion by Leiper, report was adopted.

House Bill No. 143, with amendment, referred to Committee on Printing.

By Wiedeman:

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 31, A Bill for An Act to Amend Section 4328 of the Political Code of the State of Montana, relating to the Classification of Counties, beg leave to report it back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Senate Bill No. 31 was placed on General Orders.

Also by Wiedeman:

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration House Bill No. 24, A Bill for an Act to amend Section 4220 of the Political Code of the State of Montana, relating to Sessions of the Boards of County Commissioners, recommend that same do not pass for the reason that Senate Bill No. 31, introduced by White, reclassifying Counties, covers the purport of this Bill."

On motion by Patten, report was adopted.

Also by Wiedeman:

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration House Bill No. 146, A Bill for an Act to Extend the Boundaries of Gallatin County and to Alter the Boundaries of Broadwater County to Conform Thereto, beg leave to report same back to the House with the recommendation that it be indefinitely postponed."

On motion by O'Connor, report was adopted.

By Burt:

"Helena, Montana, Feb. 9th, 1905.

Mr. Speaker:

We, the Committee on Highways, having had under consideration House Bill No. 173, A Bill for "An Act entitled "An Act making all section lines Highways", report the same back to the House with the recommendation that it do not pass."

On motion by Patten, report was adopted.

By Buck:

"Helena, Montana, February 9th, 1905.

Mr. Speaker:

Your Committee on Fish and Game having had under consideration House Bill No. 138, A Bill for an Act to amend an Act entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the

State of Montana, and to provide further protection to birds, fish, fur bearing animals and game." approved March 8th, 1897, as amended by House Bill No. 13, Session of 1901, approved March 14th, 1901, beg leave to report back a substitute for the same with the recommendation that the substitute do pass."

On motion by Buck, report was adopted.

Substitute for House Bill No. 138 was referred to Committee on Printing.

By Everett:

"Mr. Speaker:

We, your Joint Conference Committee, appointed to confer on Senate Bill No. 27, relative to number of reports and time intervening between same, of Banking Corporations, beg leave to report and recommend that Section 1, line 7, after the word "than", read "four", and that in Section 1, line 8, after the word "than," it read "two."

On motion by Everett, report was adopted.

By Sewell:

"Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 139, introduced by Dempster, providing for "An Act to provide for the establishment of a Board of Architectural examiners, and providing certain requirements and qualifications for the practice of architecture in the State of Montana, beg leave to report the same back to the House with the recommendation that it do not pass."

Dempster moved that House Bill No. 139 be printed. Motion carried.

House Bill No. 139 was referred to Committee on Printing.

Also by Sewell:

"Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 174, introduced by Wilson, which provides for an Act to amend "An Act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection", approved March 7th, 1903, and to establish a Bureau of Child and Animal Protection and to provide for the appointment of a deputy and clerk and defining their powers and duties and providing for their compensation", beg leave to report the same back to the House with the recommendation that the same be printed and placed on General Orders."

On motion by Wilson, report was adopted.

House Bill No. 174 was referred to Committee on Printing.

Also by Sewell:

"Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 167, introduced by Sewell, which provides for "An Act to amend Section 1091 of the Penal Code of Montana, relating to cruelty to animals", beg leave to report the same back to the House with the recommendation that it do pass."

On motion by Johnston, report was adopted.

House Bill No. 167 was referred to Committee on Printing.

Also by Sewell:

"Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 157, introduced by Kennedy, providing for an Act entitled "An Act to establish a State Flag of Montana", beg leave to report the same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 157 was referred to Committee on Printing.

By Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 39, A Bill for an Act entitled, "An Act Appropriating money for the completing, furnishing, and equipping of a Building for Feeble Minded at the Montana School for the Deaf and Blind, at Boulder, Montana, and for the erection and equipment of an additional building, which will contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind at Boulder, Montana", beg leave to report back to the House with the recommendation that said bill do pass with the following amendments:

Amend Section 1 by striking out the words and figures "nine thousand ($9,000.00) dollars" in line two, and all of lines five, six, seven, eight and nine of the said Section, and in lieu thereof insert the words in line two, "fifteen thousand dollars for the fiscal year ending November 30, 1905, or so much thereof as may be necessary, out of any money in the State Treasury, not otherwise appropriated, to be used as follows: For erecting, furnishing, and completing a new kitchen, manual training, etc. building at the Montana School for the Deaf and Blind and Feeble Minded, at Boulder, Montana.

Amend Section 2 by striking out the entire section and inserting in lieu thereof. the following: Ten thousand ($10,000.00) dollars is hereby appropriated, or so much thereof as may be necessary, out of any money in the State Treasury, not otherwise appropriated, to be used for furnishing and plumbing the building for the Feeble Minded, and connecting the same with the kitchen; also connecting the building for the Deaf and Blind with the kitchen.

Amend Section 3 by striking out the entire section.

Section 4 to be renumbered as Section 3."

On motion by Hewett, report was adopted.

House Bill No. 39, with amendments, referred to Committee on Printing.

House Bill No. 184 was re-referred to Committee on Sanitary Affairs.

NOTICES OF BILLS.

The following notices were given:

By Coleman: A Bill for "An Act amending Section 3895, Part III, Title X of the Political Code of Montana, relating to notice of application for tax deeds."

By Coleman: A Bill for an "Act concerning the sale of shares of stock in mining and oil corporations."

By Everett: A Bill for an Act providing that all mortgages executed in the name of, or assigned, or transferred to a Non-Resident for the purpose of evading the payment of taxes thereon, shall be void.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

Walker asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

By Committee on Appropriations: H. B. No. 201. A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Eighth Legislative Assembly for expenses incurred."

By Committee on Appropriations: H. B. No. 202. A Bill for an Act entitled An Act appropriating money for the payment of deficiency claims of the Bureau of A. L. & I. for expenses incurred.

By Committee on Appropriations: H. B. No. 203, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Board of Education for expenses incurred."

By Committee on Appropriations: H. B. No. 204. A Bill for an Act appropriating money for the payment of claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1903 and 1904.

By Lanstrum: H. B. No. 205. A Bill for an Act entitled "An Act to repeal Section 681 of Part IV, Division I, of the Civil Code of Montana, relating to the taxation of Premiums received by Insurance Companies, and corporations doing business in this State."

By Sykes: H. B. No. 206. A Bill for an Act approving Duplicate Bounty Certificates Numbers 146 and 222 in Favor of Perry L. McCrea and Appropriating Money for the Payment thereof.

By Walker: H. B. No. 207. A Bill for an Act to require paddle or fish wheels to be placed in all ditches and canals for the protection of fish.

MOTIONS AND RESOLUTIONS.

Blake moved that a Committee of three be appointed, by the Speaker, for the purpose of investigating the condition of the National Guard of Montana. Motion lost.

COMMUNICATIONS AND PETITIONS.

A protest was received from Hope Lodge No. 7, Degree of Honor, A. O. U. W.,

at Philipsburg, Montana, against the passage of a measure placing Fraternal Beneficiary Orders under State Supervision. Referred to Committee on Insurance.

Also, from Trinity Circle No. 116, Women of Woodcraft, at Marysville, Montana, protesting against the passage of a measure placing Fraternal Beneficiary Societies under State Control. Referred to Committee on Insurance.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 144, "A Bill for an Act entitled An Act to regulate the hours of labor of locomotive engineers, locomotive firemen and trainmen, and to provide a penalty for the violation thereof", beg leave to refer the same back to the House with the recommendation that it do pass as amended."

Amend as follows: After the word "causes" at the conclusion of Section 1, the following be added: "or to allow said engineer, fireman, or trainmen to tie up any passenger or mail train between terminals", and also amend Section 2, line eight, after the word "days", to read, "in the County Jail."

On motion by Wyman, report was adopted.

House Bill No. 144, with amendments, was referred to Committee on Printing.

Also by Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 116, "A Bill for an Act entitled An Act to provide for the payment of employes semi-monthly by corporations and other employes of Labor, in cities having a population of 5,000 and over and within a radius of three miles thereof, and providing a penalty for the violation thereof" beg leave to refer the same back to the House with the recommendation that it do pass as amended:

Amend as follows: In the title of the Bill, after the word "cities", insert "or towns"; and in line 3 of the title of the Bill strike out "5,000" and insert "300"; and in Section 1, line 4, after the word "of", strike out "5,000" and insert "300"; and also in line 3, of Section 1, after the word "city", insert "or towns"; and in line 12 of Section 1, after the word "and", strike out "20th" and insert "25th"; also in line 14 of Section 1, strike out "5th" and insert "10th" in place thereof."

On motion by Wiedeman, the report was adopted.

House Bill No. 116, with amendments, were referred to Committee on Printing.

By Sewell:

"Mr. Speaker:

We, your Committee on State Boards and Officers, to whom was referred House Bill No. 10, introduced by Hilman, which provides for an Act entitled "An Act to add to Part III, Title IV, Chapter IV, Article IV, of the Political Code of Montana, relating to the Soldiers' Home, an additional Section to be designated 2531, relating to the employment therein of the Inmates thereof, and providing for their compensation and payment", beg leave to report the same back to the House with the recommendation that it do pass with the following amendments:

In line 2, Section 2531, insert after the word "to" before the word "perform" the words "cook, wash dishes, or".

Also at the end of Section 1, after the word "home" insert the following: "Nothing in this Act shall be construed as authorizing any violation of the regulations of the Home made for the safety or comfort of the Inmates thereof."

On motion by Hilman, report was adopted.

House Bill No. 10 was placed on General Orders.

READING OF HOUSE BILLS.

On motion by Linderman, the rules were suspended, and all Bills, except appropriation bills, were read first and second time by title and history only.

The following Bills were taken from the file:

S. J. M. No. 2, read first and second times, and referred to Committee on Federal Relations.

S. B. No. 25, read first and second times, and referred to Committee on Immigration.

H. B. No. 201, read first and second times, and referred to Committee on Printing.

H. B. No. 202, read first and second times, and referred to Committee on Printing.

H. B. No. 203, read first and second times, and referred to Committee on Printing.

H. B. No. 204, read first and second times, and referred to Committee on Printing.

H. B. No. 205, read first and second times, and referred to Committee on Insurance.

H. B. No. 206, read first and second times, and referred to Committee on Appropriations.

H. B. No. 207, read first and second times, and referred to Committee on Fish and Game.

MESSAGES FROM THE SENATE.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 28, 41, 43, and Substitutes for Senate Bills 12 and 35, were this day read third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 61, by Kohrs: A Bill for an Act defining Public and Private Roads. Providing the Method of creating Private Roads, and defining the rights of the public as to the use of same, and providing for the punishment of persons violating any of the provisions of this Act."

Senate Bill No. 62, by Martien: A Bill for an Act entitled, "An Act to impose a license tax on Express Companies."

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of Bills were today given as follows:

By Martien: A Bill for an Act requiring Corporations doing business in the State of Montana to pay an annual license fee.

By Martien: A Bill to provide for the payment of the same fees for the filing of the Articles of a Foreign Corporation as are now provided by law for filing the Articles of a Domestic Corporation.

By Martien: A Bill for an Act to impose a license tax on Companies operating parlor or sleeping cars.

C. E. WIGHT, Secretary."

THIRD READING OF SENATE BILLS.

The following Senate Amendments were read:

Senate Amendment to House Bill No. 42. Amend in line 7 of Section 1, after the word "Cities" insert the words "maintaining a free public library and".

On motion by Kennedy, Senate Amendment to House Bill No. 42 was concurred in.

Senate Amendment to House Bill No. 52. Amend Section 1, in line 16 of Printed Bill, by changing the words "thing of value" to "valuables"; and in line 17, same Section, by changing "five years" to "one year."

On motion by Ross, Senate Amendment to House Bill No. 52 was not concurred in.

On motion by Dempster, the enacting clause of House Bill No. 52 was stricken out.

House Bill No. 42, with amendment, was referred to Committee on Enrollment.

On motion by Johnston, the third reading of House Bill No. 27 was deferred until February 15th, 1905.

On motion by Lanstrum, the rules were suspended and the bills were placed upon their final passage after being read by title only.

Substitute for Senate Bill No. 2 and House Bill No. 4, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Carriher, Christian, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson and Mr. Speaker—57.

Noes—Berry, Brigham, Collier, Hayes, Lannin, Meunier, MacGinnis, O'Brien, Ross, Sanders, Shannon and Wyman—12.

Absent and not voting—Coleman, Vandyck and Wood—3.

Title agreed to.

House Joint Resolution No. 2, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—68.

Noes—None.

Absent and not voting—Coleman, Kennedy, Leiper and Wood—4.

Title agreed to.

On motion by Mumbrue, Substitute for House Bill No. 57 was read third time at length.

Substitute for House Bill No. 57, having been read three times, and failed to pass by the following vote:

Ayes—Bennett, Brewster, Brigham, Burt, Christian, Everett, Forsythe, Johnston, Lanstrum, Leiper, Linderman, Mumbrue, MacGinnis, Patten, Potter, Quigley, Reel, Richardson, Roll, Sanders, Selway, Starz, Sullivan of Lewis and Clarke, Sykes, Wiedeman, Wilson and Mr. Speaker—27.

Noes—Berry, Bembrick, Blake, Blankenship, Buck, Canoll, Carriher, Collier, Cone, Decker, Dempster, English, Fairbanks, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Lannin, Metcalf, Meunier, Mulroney, Murphy, Macdonald, O'Brien, Roach, Ross, Sanden, Schoonover, Sewell, Shannon, Stevens, Sullivan of Jefferson, Vandyck, Walker, Williams and Wyman—38.

Absent and not voting—Coleman, Kennedy, Murray, Sales, Teskey, O'Brien and Wood—7.

House Bill No. 74 was read third time, and on motion by Dempster, the enacting clause was stricken out. Ayes, 35; Noes, 28.

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bill No. 42 and House Bills Nos. 102 and 37.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Bennett moved that, when the House adjourn, it adjourn until 10 A. M. tomorrow.

MacGinnis moved, as an amendment, that when the House adjourn, it adjourn until 2 P. M. Monday.

Amendment lost on division of the House. Ayes, 20; Noes, 30. Original motion carried.

Lanstrum, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 42, Introduced by Mahon, A Bill for an Act entitled "An Act to compel Railway Corporations or Associations to maintain facilities for shipment and delivery of freight and passengers wherever there is a platted townsite of record upon the line of such railway having not less than One Hundred Inhabitants, and providing a penalty for the violation of this Act", reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 102, introduced by O'Connor, A Bill for an Act regulating, permitting and licensing gambling, prohibiting the playing of certain games and fixing the penalties for the violation thereof, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 37, introduced by Bennett, A Bill for an Act entitled, "An Act appropriating money for the erecting and equipping of additional buildings for the State Orphans Home at Twin Bridges, Montana", reports same back to the House with the recommendation that it do pass."

On motion by Lanstrum, report was adopted.

Senate Bill No. 42 was placed on file for third reading.

House Bill No. 37 was referred to Committee on Engrossment.

On motion by Lanstrum, Substitute for House Bills Nos. 11, 43, 89, and 153, were made a special order for 3 P. M. Monday.

On motion by Kennedy, House Bill No. 77 was made a special order of business for 3 P. M. Monday.

On motion by Carriher, at 5:20 P. M., the House adjourned.

.....

Speaker.

.....

Chief Clerk.

FORTY-FIRST DAY

Saturday, February 11th, 1905.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members present except Berry, Blake, Brewster, Brigham, Cone, English, Geyman, Kennedy, Mulroney, MacGinnis, Macdonald, Patten, Potter, Reel, Richardson, Coleman, Roach, Sales, Sanders, Sullivan of Lewis and Clarke, Wiedeman and Wood.

Mr. Speaker excused Blake, Brewster, Brigham, Macdonald, Reel, Roach and Sales.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal, being unable to present report at morning session, I beg leave to move that hereafter Report be called for at afternoon session, after Roll Call."

On motion by Sanden report was adopted.

COMMUNICATIONS AND PETITIONS.

A Protest was received from the Retail Liquor Dealers' Association of Deer Lodge County, against the passage of any measure repealing the existing law, re-

garding the license now paid by retail grocery dealers; and to provide for the payment of a much smaller amount of license than the amount now being paid by them. Referred to Committee on Ways and Means.

NOTICES OF BILLS.

The following notice was given:

By O'Connor: A Bill for an Act entitled, "An Act to provide for the enforcement of the penal Statute prohibiting gambling and for the removal of officers neglecting to discharge their duties in reference to the same."

REPORTS OF STANDING COMMITTEES.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 150, 163, and 117 have been returned correctly printed and are ready for General Orders."

House Bills Nos. 150, 163 and 117 were placed on General Orders.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Leiper: H. B. No. 208: A Bill for an Act entitled. "An Act Providing for the Appropriating of money for the payment of certain claims incurred in election contest cases."

READING OF HOUSE BILLS.

Bennett moved that all bills, except Appropriation Bills, be read first and second times by title only. Motion carried.

S. B. No. 43, read first and second times, and referred to Committee on Judiciary.

S. B. No. 41, read first and second times, and referred to Committee on Judiciary.

S. B. No. 28, read first and second times, and referred to Committee on Privileges and Elections.

Substitute for Senate Bill No. 35, read first and second times, and referred to Committee on Libraries.

Substitute for Senate Bill No. 12, read first and second times, and referred to Committee on Livestock and Public Ranges.

H. B. No. 208, read first and second times, and referred to Committee on Appropriations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 42, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Bembrick, Blankenship, Buck, Burt, Canoll, Carriher, Christian, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hilman, Johnston, Lannin, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, O'Brien, O'Connor, Quigley, Ross, Sanden, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wyman and Mr. Speaker—41.

Noes—Berry, Hayes, Huntington, Roll and Starz—5.

Absent and not voting—Blake, Brewster, Brigham, Coleman, Cone, English, Geyman, Hewett, Kennedy, Lanstrum, Mulroney, MacGinnis, Macdonald, Patten, Potter, Reel, Richardson, Roach, Sales, Sanders, Sullivan of Lewis and Clarke, Walker, Wiedeman, Williams, Wilson and Wood—26.

Title agreed to.

Stevens moved to reconsider the vote on Substitute for House Bill No. 57. Ayes, 29; Noes, 10.

Johnston moved that Substitute for House Bill No. 57 be re-referred to Committee on Livestock and Public Ranges. Motion carried.

On motion by O'Connor, the House resolved itself into a Committee of the Whole for the consideration of all Bills on General Orders.

Ross in the Chair:

House resumed.

Mr. Speaker in the chair.

Ross, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 30, Introduced by Starz, A Bill for an Act to regulate the sale of poisonous substances and requiring the keeping of a register of such sales, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, by striking out from the beginning of line 1 to line 9 including the word "Substance," and insert in place the following:

Section 1. No person shall retail any arsenic, corrosive sublimate, hydrocyanic acid, cyanide of potassium, strychnia, atropia, morphia, cocaine or any of their salts, tincture aconite, chloroform, chloralhydrates, opium, extract of opium, tincture of opium, except preparations of opium containing less than two grains of opium to the fluid ounce, Oil of Tansy, Oil of Savin, Extract of Ergot, Extract of Cottonroot.

After the word "nor" in line 12, strike out the word "must" and insert the word "shall" in lieu of it.

Also in line 14, strike out the word "must" after "nor" and insert the word "shall" in place of it.

Also in line 18, strike out the word "must" after the word "book," and insert the word "shall" in lieu of it.

Also in line 20, after the word "enumerated," strike out the word "must" and insert the word "shall" in lieu of it.

Also strike out in line 21, after the word "address," all of the remaining sentence.

Insert a new section to be numbered and to read as follows:

"Section 2. The State Board of Pharmacy, shall within thirty (30) days after the passage of this Act, send to each Registered Pharmacist in the State, a copy of this Act."

Amend the Bill by changing "Section 2" and "Section 3" in lines 30 and 31 to "Section 3" and "Section 4."

Also having had under consideration House Bill No. 61, Introduced by E. O. Selway, A Bill for an Act entitled an Act providing for a Bureau of Immigration and Statistics for the State of Montana and defining the duties thereof and fixing the compensation of the officers of said Bureau, reports same back to the House with the recommendation that it be re-referred to the Committee on Appropriations.

Also having had under consideration House Bill No. 85, Introduced by Christian, A Bill for an Act entitled, "An Act to provide for the extension of the boundaries of any incorporated city or town so as to embrace and include contiguous platted tracts or parcels of land, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend the title by adding thereto the words, "And repealing Section 4726 of the Political Code of Montana."

Amend section 2, by inserting at the beginning of said section the words "Section 4726 of the Political Code of Montana and."

On motion by Wyman, report was adopted.

House Bills Nos. 30 and 85, with amendments, were referred to Committee on Engrossment.

House Bill No. 61 was referred to Committee on Appropriations.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Leiper: H. B. No. 209, A Bill for an Act entitled, "An Act appropriating money for the relief of M. A. Wellman, for Mileage and Per Diem while in attendance as a De Facto member of the House of Representatives."

By Everett, by Request: H. B. No. 210, A Bill for an Act providing that all mortgages executed in the name of, or assigned or transferred to a Non-Resident, for the purpose of evading the payment of taxes thereon, shall be void.

By Potter: H. B. No. 211, A Bill for an Act "To amend Section 1506, Chapter III, Title IX, Part II of the Code of Civil Procedure of the State of Montana, relating to the service of summons in Justice's Courts."

By Selway: H. B. No. 212. A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana.

READING OF HOUSE BILLS.

On motion by Wyman, all bills, except Appropriation Bills, were read first and second times by title only.

H. B. No. 209, read first and second times, and referred to Committee on Appropriations.

H. B. No. 210, read first and second times, and referred to Committee on Judiciary.

H. B. No. 211, read first and second times, and referred to Committee on Judiciary.

H. B. No. 212, read first and second times, and referred to Committee on Live Stock and Public Ranges.

INTRODUCTION OF BILLS.

Stevens asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

The following bill was introduced, and placed on file:

By Stevens: H. B. No. 213, A Bill for an Act to provide for the Gathering and Sale of Unknown Strays upon the Public Domain.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 213, read first and second times, and referred to Committee on Live Stock and Public Ranges.

On motion by Leiper, at 12:05 P. M., the House recessed until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

Roll called, and all members found present except Blake, Brewster, Brigham, Cone, Hayes, Macdonald, Reel, Roach, Sanders, Sullivan of Lewis and Clarke, Wilson and Wood.

Mr. Speaker excused Blake, Brigham, Brewster, Hayes, Macdonald, Reel and Roach.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Friday, February 10th, and believe same to be correct."

On motion by O'Connor, report was adopted.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 37 as correctly engrossed."

Report received and House Bill No. 37 was placed on file for third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 37, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Buck, Burt, Canoll, Carriher, Christian, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, O'Brien, O'Connor, Patten, Quigley, Richardson, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Williams, Wyman and Mr. Speaker—54.

Noes—None.

Absent and not voting—Blake, Brewster, Brigham, Coleman, Collier, Cone,

English, Geyman, Hayes, MacGinnis, Macdonald, Reel, Roach, Sanders, Sullivan of Lewis and Clarke, Wiedeman, Wilson and Wood—18.

Title agreed to.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

Lanstrum asked permission to introduce a Bill without previous notice. Granted.

Everett asked permission to introduce a Bill without previous notice. Granted.

By Lanstrum: H. B. No. 214, A Bill for an Act entitled, "An Act permitting Sole Corporations to file Amended Articles of Incorporation, and Defining their Powers."

By Everett: H. B. No. 215, A Bill for an Act entitled, "An Act to suppress Pool Rooms, to provide Penalty for Violation of its Provisions and to Secure the Enforcement of such Penalty and Provisions."

NOTICES OF BILLS.

The following notices were given:

By Quigley: A Bill for an Act entitled, An Act to amend Section 1912 of the Political Code of the State of Montana as amended by Substitute for Senate Bill No. 81, approved March 4th, 1897, and relating to the issuance of certificates to teach in the Public Schools of Montana.

By Quigley: A Bill for an Act to provide for the appointment of a State Game Warden and Deputy Wardens and to provide for their payment and maintenance and defining their powers and duties.

READING OF HOUSE BILLS.

Lanstrum moved that all bills, except Appropriation Bills, be read first and second time by title only. Motion carried.

H. B. No. 214, read first and second times, and referred to Committee on Judiciary.

H. B. No. 215, read first and second times, and referred to Committee on Judiciary.

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bills Nos. 36 and 31 and House Bill No. 105.

Walker in the Chair.

House resumed.

Mr. Speaker in the Chair.

Walker, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 36, Introduced by Tooley, A Bill for an Act to Detach Meagher County from the Ninth Judicial District and to Annex it to the Tenth Judicial District, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 31, introduced by White, A Bill for an Act to amend Section 4328 of the Political Code of the State of Montana, relating to the Classification of Counties, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 105, Introduced by Williams, A Bill for an Act entitled. "An Act to amend Sections 552, 553, 560, 563, 566 and 567 of Article 15 of Chapter 3, of Title I, Part 3, of the Political Code of the State of Montana, relating to the Inspection of Boilers, and to add thereto a new section to be known and numbered Section 570, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 3, by striking out in lines 47 and 48, the words "has not served at least six months as fireman under a competent engineer and be," and inserting in lieu thereof the words "is not."

Amend Section 3, line 47, by striking out the word "must," after the word "license," and inserting in lieu thereof the word "shall."

On motion by Murray, report was adopted.

Senate Bills Nos. 36 and 31 were placed on file for third reading.

House Bill No. 105 with amendments was referred to Committee on Engrossment.

On motion by Murray, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 113, 114 and 140.

Sanden in the Chair.

House resumed.

Mr. Speaker in the Chair.

Sanden, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 113, Introduced by Murray, A Bill for an Act entitled, "An Act levying a special school tax on all male inhabitants over the age of 21 and under the age of 50, for general school purposes, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 2, line 7, by striking out the word "shall" and inserting in lieu thereof the word "may."

Amend Section 4, line 17, by striking out the words "road supervisor" and inserting in lieu thereof the words "School District Clerk."

Also having had under consideration House Bill No. 114, Introduced by Walker A Bill for an Act entitled. "An Act amending Section 1961 of the Political Code of the State of Montana, relating to the issuance of School Bonds, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 13, by striking out, after the word "electors," the words "of the electors."

Also having had under consideration House Bill No. 140, Introduced by Dempster, by Request, A Bill for an Act entitled, "An Act to prohibit certain persons from conducting or maintaining law offices, to prevent certain persons from advertising or holding themselves out as Attorneys at Law, to prevent certain persons from acting as Attorneys at Law for compensation and to provide punishment for the violation of this Act," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 2, line 13, by adding after the word "record" the words, "except in Justice and Police Courts in villages or townships in which there is no acting Attorney, provided however, this exception shall not apply to towns, villages and townships within five miles of any city or town wherein there resides two or more practicing Attorneys."

Amend Section 4. line 18, by striking out the word "therefor" and inserting in lieu thereof the word "thereof."

Amend Section 5, line 22, by striking out the words "or foreign Country" and inserting in lieu thereof the words "or territory." "

On motion by Wyman, report was adopted.

House Bills Nos. 113, 114 and 140, with amendments, were referred to Committee on Engrossment.

On motion by Coleman, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 117, 10 and 150.

Canoll in the Chair.

House resumed.

Mr. Speaker in the Chair.

Canoll, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 117, Introduced by Coleman, A Bill for an Act entitled, "An Act to create a Board of Police Commissioners in Cities having more than Fifteen Thousand Inhabitants; defining their powers and duties, and fixing the terms of office and the compensation of same," reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, line 24, by striking out, after the word "May" the figures "1905."

On motion by Sanden, report was adopted.

House Bill No. 117, with amendment, referred to Committee on Engrossment.

On motion by Murray, at 4:55 P. M., the House adjourned until Monday at 2:30 P. M.

.....

Speaker.

.....

Chief Clerk.

FORTY-THIRD DAY

Monday, February 13th, 1905.

House met pursuant to adjournment at 2:30 o'clock P. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called and all members present except Brewster, Brigham, Burt, Canoll, Christian, Fairbanks, Geyman, Murray, Reel, Sanden, and Wiedeman.

Mr. Speaker excused Brewster, Brigham, Murray, Reel and Wiedeman.

Sewell reported as follows:

"Mr. Speaker:

We, your Committee on House Journal, beg leave to report that we have examined Journal for Saturday, February 11th, and believe same to be correct."

On motion by Dempster, report was adopted.

Point of Order raised by Bennett that the action of the House on February 10th, 1905, in striking out the enacting clause of H. B. No. 52, was out of order. Point of Order sustained and history of Bill ordered changed to read "Senate Amendment to H. B. No. 52 not concurred in."

NOTICES OF BILLS.

The following notices were given:

By Sewell: A Bill for an Act to Amend the Penal Code of Montana, regulating the sale of intoxicating liquors, and the conducting of Wine Rooms.

By Mulroney: A Bill for an Act to amend Section 42-7, Article III, Title II, Part IV of the Political Code of the State of Montana, relating to the use of money set apart in a fund known as the "Bond Fund."

By Mulroney: A Bill for an Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to limitations of actions.

By Johnston: A Bill for an Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor.

By Selway: A Bill for an Act entitled An Act to protect the owners of horses and to cause the inspection of the same.

By Selway: A Bill for an Act entitled An Act to define the word "Estray" and to provide for the taking up and disposing of estrays upon the public domain.

By Wilson: A Bill for an Act to amend Section 1198 of the Penal Code of the State of Montana.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 13th day of February, 1905:

House Bill No. 42, An Act to amend Section 2000 of the Political Code of the State of Montana, relative to the School Library Fund and Permitting the use of such fund for the Payment of Current Expenses of the Schools."

Mr. Speaker announced that he was about to sign House Bill No. 42, An Act to amend Section 2000 of the Political Code of the State of Montana, relative

to the School Library Fund and Permitting the use of such Fund for the Payment of Current Expenses of the Schools."

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 34, 166, 159, 109, 90, 162, 128, 199, 197, 200, 158, 148, 82, 118, 182, 161, 179, 115, 132, 198, 160, Substitute for House Bill No. 20 and Substitute for House Bill No. 19, have been returned correctly printed and are ready for General Orders.

Report received and House Bills Nos. 159, 34, 166, 109, 90, 162, 128, 199, 197, 200, 158, 148, 82, 118, 182, 161, 179, 115, 132, 198, 160, Substitute for House Bill No. 120 and Substitute for House Bill No. 19, were placed on General Orders.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 30 and 85 as correctly engrossed."

Report received and House Bills Nos. 30 and 85 were placed on file for third reading.

"Mr. Speaker:

We, a majority of your Committee on Judiciary, having had under consideration House Bill No. 58, "A Bill for an Act creating the Thirteenth Judicial District, to be composed of the Counties of Rosebud and Yellowstone, and providing for the apponitment of a Judge thereof," beg to report the same back to the House with the following amendment, and recommend that as so amended it do pass.

Amend said Bill by striking out the word "James R. Goss" in line 1, of Section 2 of said bill, and insert in lieu thereof the words "Fred H. Hathhorn."

MULRONEY, Chairman.
SEWELL,
LEIPER,
BRIGHAM,
J. F CONE,
J. A. COLEMAN."

"Mr. Speaker:

We, a minority of your Committee on Judiciary, having had under consideration House Bill No. 58, "A Bill for an act creating the Thirteenth Judicial District, to be composed of the Counties of Rosebud and Yellowstone, and providing for the appointment of a Judge thereof," beg to report the same back to the House with the recommenuation that it be indefinitely postponed.

JOHNSTON,
WALKER,
BERRY."

Mumbrue moved to adopt the Majority report.

Johnston moved, as a substitute, to adopt the Minority Report.

Substitute motion lost: Ayes, 22; Noes, 37,

Original motion carried: Ayes, 35; Noes, 19.

House Bill No. 58, with amendment, was referred to Committee on Printing.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 6, "A Bill for an Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as said Section is amended by an act approved March 11, 1901, entitled An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana, relating to the election and term of office of District Judges," beg to report same back to the House with the recommendation that it be printed and placed on general orders."

On motion by Leiper, report was adopted.

House Bill No. 6 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

Canoll asked unanimous consent to introduce a Bill without previous notice being given. Granted.

Mumbrue asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

By OConnor: H. B. No. 216, A Bill for an Act entitled, "An Act to provide for the enforcement of the penal statutes prohibiting gambling and for the removal of officers neglecting to discharge their duties in reference to the same."

By Quigley: H. B. No. 217, A Bill for an Act entitled, "An Act to amend Section 1912 of the Political Code of the State of Montana as amended by Substitute for Senate Bill No. 81, Approved March 4th, 1897, and relating to the issuance of Certificates to teach in the public schools of Montana."

By Canoll: H. B. No. 218, A Bill for an Act to require railroad companies to make reports of accidents occuring on their roads, providing penalties for failure to make reports and making suc.. companies liable for injuries to their employees."

By Mumbrue: H. B. No. 219. A Bill for an Act entitled, "An Act granting unto the government of the United States the right to use or enlarge any canal or ditch required in whole or in part for the construction of irrigation works by the United States within the State of Montana."

By Coleman: H. B. No. 220, A Bill for an Act entitled, "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana."

By Coleman: H. B. No. 221, A Bill for an Act entitled, "An Act creating a Commission to Revise and Codify the Laws of Montana, defining its duties, providing for the Publication and Distribution of its reports and Providing for its Compensation."

Everett asked for unanimous consent to introduce a Bill from the Committee on State Lands, without having given previous notice. Granted.

By Committee on State Lands: H. B. No. 222, A Bill for an Act entitled, An Act to enable the State to accept an offer of the United States, made by an Act of Congress, in relation to the Arid Lands, commonly known as the Carey Act, approved August the 18th, 1894, and the amendments thereto, and to promote the reclamation and settlement of said lands, and to reimburse the State for money heretofore or hereafter used for such reclamation, by defining additional duties and powers of the Carey Land Act Board, relieving the State of liability, providing the method of letting contracts for the reclamation and settlement of arid lands, providing for the ratification of contract for the classification and disapproval of said lands, disposition of funds thus derived, making water rights appurtenant to the land reclaimed, granting the contractor constructing work for reclaiming such lands a lien upon the same and the water right appurtenant thereto for the purchase price of such water right and providing for the foreclosure and redemption of the same, permitting the use of water for power purposes subjects of rights of irrigators, permitting the exercise of the right of eminent domain in connection with such reclamation work and providing for the conveyance of the said board of any property acquired by the State the conveyance of which is necessary to the maintenance of any action or defense by the State in reference to such lands, fixing fees, appropriating funds and repealing from conflicting laws.

By MacGinnis: H. B. No. 223, A Bill for an Act authorizing the Governor to Appoint and Provide for the Compensation of an Agent to Prosecute Claims of the State of Montana against the United States.

MOTIONS AND RESOLUTIONS.

By Johnston:

"Mr. Chairman:.

I move that the Committee on Apportionment and Representation be required to report back to the House, House Bill No. 38, or some substitute therefor, on or before Friday, February 17th, 1905." Motion carried.

READING OF HOUSE BILLS.

On motion by Wyman, all Bills, except Appropriation Bills, were read first and second times by title only.

H. B. No. 216, read first and second times, and referred to Committee on Appropriations.

H. B. No. 217, read first and second times, and referred to Committee on Judiciary.

H. B. No. 218, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 219, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 220, read first and second times, and referred to Committee on Privileges and Elections.

H. B. No. 221, read first and second times, and referred to Committee on Judiciary.

H. B. No. 222, read first and second times, and referred to Committee on Printing.

GENERAL ORDERS.

On motion by Lanstrum, at 3 P. M., the House resolved itself into a Committee of the Whole for the consideration of Substitute for House Bills Nos. 11, 43, 86 and 153.

Vandyck in the Chair.

House resumed.

Mr. Speaker in the Chair.

On motion by Lanstrum, the report of the Committee of the Whole, on Substitute for House Bills Nos. 11, 43, 86 and 153 was deferred until tomorrow A. M.

Sales moved at 6:20 P. M. to adjourn until 10 A. M. tomorrow.

Bennett moved, as an amendment, to adjourn until 11 A. M. tomorrow.

Amendment carried and House adjourned until 11 A. M. tomorrow.

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Speaker.

.....

Chief Clerk.

FORTY-FOURTH DAY

Tuesday, February 14, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called. All members present except Brewster, Cone, O'Brien, Sullivan of Jefferson and Walker. Brewster excused.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Monday, February 13th, and believe same to be correct."

On motion by O'Connor report was adopted.

GENERAL ORDERS.

Vandyck, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bills Nos. 11, 43, 86 and 153, Introduced by Committee on Railroads and Transportation, A Bill for an Act entitled An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, by striking out the words "the first day of January" or the words "January 1st," wherever occurring and inserting in lieu thereof the words "the first Monday in January."

Amend Section 6, line 73, by inserting after the words "all persons" the words "other than the Secretary."

Amend Section 16, line 181, after the word "thereof" insert the words "The

Board of Railroad Commissioners shall investigate all accidents upon the railroads of the State, resulting in loss of life, and of all accidents which, in the opinion of the Board, ought to be investigated."

Amend Section 14, line 142, by inserting after the word "some" the word "daily."

Insert, after the word "offense" in Section 23, line 271, a new Section to be numbered and to read as follows:

"Section 24. It shall be unlawful for any railroad to enter into any contracts, agreement or combinations with any other railroad for the division or pooling of any portion of the traffic of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and, in case of any agreement for the pooling of their traffic or earnings, as aforesaid, each day of its continuance shall constitute a separate offense and be punishable by a fine of Five Hundred Dollars."

Amend all Section numbers after Section 23 in the printed bill, by raising each one number.

Amend Section 25, line 295, by inserting after the word "shall' the words "after a hearing in Court."

Amend Section 25, line 295, by striking out the word "decree" and inserting in lieu thereof the word "make," and by striking out the word "injunction" and inserting in lieu thereof the word "decree."

Amend Section 25, line 292, by striking out the word "them" and inserting in lieu thereof the word "it."

Amend Section 32, line 393, by inserting after the word "imprisonment" the following: "Nothing in this Act shall apply to the carriage, storage or handling of property free or at reduced rates for the United States or this State or municipal government or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or for the employees of such common carriers or their families of private property or goods for the family use of the employees of such common carriers. Nothing in this Act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to prevent railroads from giving free carriage to their own officers and employees and the families dependent upon such officers and employees for support, and to employees of the United States Railway service, and to persons in charge of livestock being shipped from point of shipment to destination and return, or to prevent the principal officers of any railroad company from exchanging passes with other railroad companies for their officers and employees. Nothing in this Act shall be construed to prohibit railroads from issuing commutation, excursion or mileage tickets, providing the same are issued on like terms to all applying therefor."

On motion by Dempster, report was adopted.

Substitute for House Bills Nos. 11, 43, 86 and 153, with amendments, was referred to the Committee on Engrossment.

COMMUNICATIONS AND PETITIONS.

The following were received:

"Helena, Montana, Feb. 13, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 4 was today read and concurred in; that House Bill No. 54 was read third time and concurred in and same are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

House Joint Resolution No. 4 and House Bill No. 54 were referred to the Committee on Enrollment.

Also:

"Helena, Montana, Feb. 13, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 3, 94, 125 and Substitute for 23 were not concurred in and are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 13, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a Notice of the Introduction of the following Bill was today given:

By Mahon: A Bill relating to water rights by adding three Sections to Code.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 13, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 63, by McLean: A Bill for an Act entitled, "An Act to amend Section 939 of the Penal Code of the State of Montana, relating to the Removal of Mortgaged personal property from the place where it is situated at the time it is mortgaged."

Senate Bill No. 64, by Maddox: A Bill for an Act entitled, "An Act relating to internal improvements in cities and towns, authorizing the issuance and collection of Special Improvement Warrants or Bonds upon the property benefitted by local improvements."

Senate Bill No. 65, by Committee on Judiciary: A Bill for an Act entitled "An Act to provide for the compilation, annotation, publication and distribution of the Laws of Montana since the publication of the Codes of Montana in 1895."

Senate Bill No. 66, by Donlan: A Bill for an Act to amend Sections 1205, 1206, 1207, 1210, 1211. 1212, 1214, 1216, 1222, 1223 and 1234 of Chapter III, Title II, Part III of the Political Code, relating to Registration of Voters as the same are now in force after amendments by an Act entitled "An Act to amend Chapter III, Title II, Part III, of the Political Code by repealing Sections 1224 to 1233 inclusive; by adding Sections 1201 to 1216 inclusive and by amending Sections 1209 and 1234, relating to Registration of Voters approved March 9, 1897."

Senate Bill No. 67, by Glidden:

A Bill for an Act entitled, "An Act defining usury and imposing a penalty therefore."

Senate Bill No. 68, by Glidden: A Bill for an Act entitled "An Act to compel railway Corporations or Associations to establish a daily (except Sunday) train service on all branch lines, the terminus of which is at any city or town having a population of more than five hundred, and to maintain proper facilities for the transportation of passengers, and providing a penalty for the violation thereof."

Senate Bill No. 69. by White: A Bill for an Act authorizing the incorporation of endowment and investment Companies.

Senate Bill No. 70 by Brennen: A Bill for an Act to provide further regulations for the safe keeping and management of Public Funds in the Hands of the State Treasurer, and repealing Section 443 of the Political Code.

Respectfully,
C. E. WIGHT, Secretary."

NOTICES OF BILLS.

The following notices were given:

By Mulroney: A Bill for an Act to amend Sections two, fifteen, and twenty-four of an Act entitled "An Act to create the office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation therefor," approved March 7th, 1903.

By Wilson: A Bill for an Act to amend Sections 11 and 17 of Article 3 of an Act of the Eighth Legislative Assembly of the State of Montana.

By Brigham: A Bill for an Act entitled "An Act to make legal and valid certain Special Improvement District Warrants issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly of the State of Montana entitled "An Act relating to Public Improvements in Cities and Towns, etc.," approved March 8th, 1897, in payment for the construction of a Sanitary Sewer in the said City of Havre."

By Everett: A Bill for an Act entitled An Act providing for the mileage of State and County Officers and all other persons who travel at the public expense.

By Johnston: A Bill for an Act to amend Section 690, Chapter IV, Title VI, of the Code of Civil Procedure of Montana, and providing for the contents of answers in Civil Actions.

By Johnston: A Bill for an Act to amend Section 1831, Chapter V, Title XIV. of the Code of Civil Procedure of Montana, and providing for service of notices and other papers.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Helena, Montana, Feb. 13, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 105, 113, 114, 140, 117, as correctly engrossed."

Report received and House Bills Nos. 105, 113, 114. 140 and 117 were placed on file for third reading.

By Lanstrum:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration House Bill No. 141, "A Bill for an Act entitled, "An Act to secure better safety to operatives and passengers upon railroad trains, and providing a penalty for the violation thereof," beg leave to report the same back to the House with the recommendation that it do pass."

On motion by Wyman, report was adopted.

House Bill No. 141 was referred to Committee on Printing.

By Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 152, "A Bill for an Act to Prevent the sale of Liquors on Credit," report same back to the House with the recommendation that it be printed."

On motion by Bennett, report was adopted.

House Bill No. 152 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

Macdonald asked for unanimous consent to introduce a bill without having given previous notice. Granted.

The following Bills were introduced and placed on file:

By Sewell, by Request: H. B. No. 224, A Bill for an Act to amend Chapter VI. Title IX, Part I, of the Penal Code of the State of Montana, by adding thereto Sections numbered 543, 544 and 545, providing for the further regulations of places where intoxicating liquors are sold.

By Committee on Ways and Means: H. B. No. 225: A Bill for an Act entitled An Act to amend Section 4233 of the Political Code of the State of Montana, relating to County Printing.

By Mulroney: H. B. No. 226: A Bill for an Act to amend Section 4247, Article III, Title II, Part IV of the Political Code of the State of Montana, relating to the use of money set apart in a fund known as the "Bond Fund."

By Mulroney: H. B. No. 227: A Bill for an Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to limitations of actions.

By Coleman, by Request: H. B. No. 228: A Bill for an Act concerning the Sale of Shares of Stock in Mining and Oil Corporations."

By Coleman, by Request: H. B. No. 229: A Bill for an Act entitled "An Act amending Section 3895, Part III Title X, Chapter VII, of the Political Code of the State of Montana, relating to Notice of Application for Tax Deed."

By Wilson: H. B. No. 230: A Bill for an "An Act to amend Section 1198 of the Penal Code of the State of Montana, relating to Nuisances."

By Johnston: H. B. No. 231: A Bill for an Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor.

By Selway: H. B. No. 232: A Bill for an Act entitled, An Act to protect the owners of horses, and to cause the inspection of the same.

By Selway: H. B. No. 223: A Bill for an Act entitled An Act to define the word "Estray," and to provide for the taking up and disposing of Estrays upon the Public Domain.

By Macdonald, by request: H. B. No. 234: A Bill for an Act amending Section 606 of the Political Code of the State of Montana, and for the purpose of establishing a definition of what constitutes the practice of Medicine in the State of Montana.

MOTIONS AND RESOLUTIONS.

By MacGinnis:

"Mr. Speaker:

I move to amend the Title of House Bill No. 223, as follows:

A Bill for an Act authorizing the Governor to appoint an Agent to prosecute claims of the State of Montana against the United States and provide compensation therefor."

Mr. Speaker announced that, there being no objection, the amendment would be made.

Kennedy moved that a Committee of the House be instructed to go to Miles City and investigate the State Reform School; and report to the House.

Motion carried and Mr. Speaker appointed Carriher and Coleman as such Committee.

By Johnston:

"Mr. Speaker:

I move that the House tender to the Standard a vote of thanks for the photographs given the members of the House." Motion carried.

READING OF HOUSE BILLS.

On motion by Hewett, all Bills, except Appropriation Bills, were read first and second times by title only.

The following Bills were taken from the file:

H. B. No. 223, read first and second times, and referred to Committee on Judiciary.

H. B. No. 224, read first and second times, and referred to Committee on Judiciary.

H. B. No. 225, read first and second times, and referred to Committee on Printing.

H. B. No. 226, read first and second times, and referred to Committee on Judiciary.

H. B. No. 227, read first and second times, and referred to Committee on Judiciary.

H. B. No. 228, read first and second times, and referred to Committee on Judiciary.

H. B. No. 229, read first and second times, and referred to Committee on Judiciary.

H. B. No. 230, read first and second times, and referred to Committee on Judiciary.

H. B. No. 231, read first and second times, and referred to Committee on Judiciary.

H. B. No. 232, read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 233, read first and seoond times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 234, read first and second times, and referred to Committee on Judiciary.

Wyman moved that the House take a recess until 2 o'clock P. M. Ayes 27; Noes 18.

House recessed at 12 o'clock noon.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 58, 168, 201, 164, 165, 149, 129, 156, 189, 202, 203, 65, 175, 107, 108, 171, 180, 181, and Substitute for House Bills Nos. 130 and 133, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 58, 168, 201, 164, 165, 149, 129, 156, 189, 202, 203, 65, 175, 107, 108, 171. 180, 181, and Substitute for House Bills Nos. 130 and 133, were placed on General Orders.

By Hewett:

"Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration House Bill No. 183, which provides for "An Act to amend Section 1314 and Section 1317 of the Code of Civil Procedure of Montana, beg leave to report the same back to the House with the recommendation that it do pass as amended:

On page Two (2) in line 23 strike out the word "one" and insert in lieu thereof the word "three."

On motion by Canoll, report was adopted.

House Bill No. 183, wtih amendment was referred to Committee on Printing.

By Vandyck:

"Mr. Speaker:

We, your Committee on Insurance, to which was referred House Bill No. 205, Introduced by Lanstrum, entitled A Bill for an Act entitled "An Act to repeal Section 681 of the Civil Code of Montana, relating to the taxation of premiums collected by insurance companies and corporations, having had same under consideration beg leave to report back to the House with the recommendation that it be printed."

On motion by Blankenship, report was adopted.

House Bill No. 205 was referred to Committee on Printing.

By Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 131, Introduced by Macdonald: A Bill for an Act entitled, "An Act to prevent the adulteration, mis-branding, and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation thereof; providing for the inspection and analysis of foods, charging the Montana Agricultural College with the duties thereof, charging the county attorneys with the enforcement hereof, and making an appropriation therefor." beg leave to report said bill back to the House with the recommendation that the same be printed."

On motion by Dempster, report was adopted.

House Bill No. 131, was referred to Committee on Printing.

Mr. Speaker announced that he was about to sign Senate Bill No. 3, An Act to Provide for the Formation of Cemetery Associations, to Define their Powers and Duties and Provide for their Management and Control.

Mr. Speaker announced to the House that he was about to sign Senate Bill No. 18, "An Act prohibiting the employment of children under sixteen years of age, in underground mines and providing penalties for the violation of the provisions thereof."

Mr. Speaker announced to the House that he was about to sign Senate Bill No. 26, "An Act authorizing an officer of a Corporation to take oath for and on behalf of his corporation, where the corporation is authorized to act as Trustee, Guardian, Executor, Aministrator, or in any Fiduciary Capacity, and an oath of office is required."

Mr. Speaker announced to the House that he was about to sign Senate Bill No. 42, "An Act to compel railway corporations or associations to maintain facilities for shipment and delivery of freight and passengers wherever there is a platted townsite of record upon the line of such railway having not less than one hundred inhabitants, and providing a penalty for the violation of this Act."

THIRD READING OF SENATE BILLS.

On motion by Linderman, all bills, except Appropriation Bills, were read the third time by title only.

Senate Bill No. 31, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Blake, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney Mumbrue, Murray, MacGinnis, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Wilson and Mr. Speaker—47.

Noes—Berry, Bembrick, Blankenship, Collier, Dempster, Geyman, Hayes, Kennedy, Lannin, Meunier, Murphy, Macdonald, O'Brien, Quigley, Roll, Schoonover, Shannon, Sullivan of Jefferson, Teskey, Walker, Wood and Wyman—22.

Absent and not voting—Brewster, Buck and Williams—3.

Title agreed to.

Senate Bill No. 36, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Blake, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, and Mr. Speaker—64.

Noes—Blankenship and Wyman—2.

Absent and not voting—Bembrick, Brewster, Buck, Collier, O'Brien and Williams—6.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 85, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brigham, Canoll, Carriher, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Bembrick, Brewster, Buck, Burt, Christian, Huntington, Leiper, Potter, Sanders and Williams—10.

Title agreed to.

House Bill No. 30, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wood, Wyman and Mr. Speaker—62.

Noes—MacGinnis, O'Brien and Roach—3.

Absent and not voting—Bembrick, Brewster, Buck, Leiper, Sanders, Williams and Wilson—7.

Title agreed to.

House Bill No. 105, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin. Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Reel, Richardson, Roach, Ross, Sanden, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wood, Wyman and Mr. Speaker—58.

Noes—Johnston, Quigley, Roll, Sales, Schoonover and Wiedeman—6.

Absent and not voting—Brigham, Buck, Leiper, Potter, Sanders, Walker, Williams and Wilson—8.

Title agreed to.

House Bill No. 113, having been read three several times, Lannin moved that the enacting clause be stricken out. Motion lost; Ayes 14, Noes 43.

House Bill No. 113 was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham. Burt, Coleman. Carriher, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lanstrum, Leiper, Linderman. Metcalf, Meunier, Mumbrue. Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Sales, Sanders, Schoonover, Selway, Sewell. Starz, Stevens, Sullivan of Lewis and Clarke, Vandyck, Walker, Wiedeman, Wilson, Wood and Mr. Speaker—49.

Noes—Canoll, Christian, Cone, Fairbanks, Johnston, Lannin, Mulroney, Murphy, O'Brien, Roll, Ross, Sanden, Shannon, Sullivan of Jefferson, Teskey and Wyman—16.

Absent and not voting—Brewster, Buck, Carriher, Decker, Dempster, Sykes and Williams—7.

Title agreed to.

House Bill No. 114, having been read three several times, was passed by the following vote:

Ayes—Bennett. Berry, Blake, Blankenship, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman. Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon. Starz. Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—Huntington—1.

Absent and not voting—Bembrick, Brewster, Buck, Fairbanks, Murphy, Quigley and Williams—7.

Title agreed to.

House Bill No. 117, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Bembrick, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Cone, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington. Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor. Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross. Sales, Sanden. Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Wilson, Wood and Mr. Speaker—59.

Noes—Lannin, Murphy, O'Brien, Shannon, Sullivan of Jefferson, Teskey, Walker and Wyman—8.

Absent and not voting—Brewster, Collier, Dempster, Meunier and Williams—5.

Title agreed to.

House Bill No. 140, having been read three several times. was passed by the following vote:

Ayes—Berry, Bembrick. Blake, Blankenship, Brigham, Buck. Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Fairbanks,

Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—Huntington and Potter—2.

Absent and not voting—Bennett, Brewster, Dempster, O'Brien, Wiedeman and Williams—6.

Title agreed to.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 14th, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Bill No. 89, "An Act to amend Section 1054 of the Penal Code, as amended by Chapter LXIV of the laws of 1903 relating to trespass, and adding thereto a subdivision relating to trespass on Vacant Buildings."

Also House Bill No. 103, "An Act making it unlawful for any person to require the giving of surety bonds in corporations not authorized to transact business in the State of Montana."

Also House Bill No. 75, "An Act to correct the spelling of the name of Lewis and Clarke County."

Also House Bill No. 35, "An Act to authorize and empower cities and towns to establish, maintain and regulate public bathing places."

Also House Bill No. 42, "An Act to amend Section 2000 of the Political Code of the State of Montana, relative to the School Library Fund and permitting the use of such fund for the payment of current expenses of the schools."

J. K. TOOLE, Governor."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 14th day of February, 1905.

House Bill No. 55. An Act to amend Section 541 of the Penal Code of the State of Montana, relating to the Sale of Intoxicating Liquors.

House Bill No. 54, An Act amending Section 3695 of the Political Code of the State of Montana, relating to Taxation of Private Bankers, Brokers or Dealers in Stock.

House Joint Resolution No. 4."

Mr. Speaker announced to the House that he was about to sign House Joint Resolution No. 4,

RESOLVED by the Legislative Assembly of the State of Montana that the action of the government of the United States in extending aid and co-operation in the reclamation of the arid lands of the state is cordially approved, and all officers and agents of the state are instructed to facilitate the operation of the government in reclaiming arid lands of the state in all respects not inconsistent with law.

Also House Bill No. 55, An Act to amend Section 541 of the Penal Code of the State of Montana, relating to the sale of intoxicating liquors.

Also House Bill No. 54, An Act amending Section 3695 of the Political Code of the State of Montana, relating to Taxation of Private Bankers, Brokers or Dealers in Stock.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 123, 101, 154, 39, Substitute for House Bill No. 41, have been returned correctly printed for General Orders; also House Bill 153."

Report received and House Bills Nos. 123, 101, 154, 39, 153, and Substitute for House Bill No. 41 were placed on General Orders.

GENERAL ORDERS.

Berry moved that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 77.

Johnston moved, as an amendment, that, while the House is in Committee of the Whole, debate be limited to five minutes by each member, except by unanimous consent.

Amendment carried.

Potter in the Chair.

House resumed.

Mr. Speaker in the Chair.

Potter, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 77, introduced by Berry, A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State, for their approval or rejection, an amendment to Section 2, of Article IX, of the Constitution of the State of Montana, in relation to the right of suffrage, reports same back to the House with the recommendation that the enacting clause be stricken out."

Sales moved to adopt report.

Roll called; and the enacting clause of House Bill No. 77 was stricken out by the following vote:

Ayes—Bennett, Burt, Carriher, Coleman, Cone, English, Everett, Fairbanks, Forsythe, Harrington, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanders, Schoonover, Selway, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Wilson and Wood—37.

Noes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Christian, Collier, Decker, Dempster, Geyman, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Meunier, Murray, MacGinnis, Potter, Ross, Sanden, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Walker, Wyman and Mr. Speaker—33.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of House Bills Nos. 165, 10 and 163.

Potter in the Chair.

House resumed.

Mr. Speaker in the Chair.

Potter, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 165, introduced by the Committee on Appropriations, A Bill for an Act entitled An Act appropriating the sum of Seventeen Thousand Dollars ($17,000) for the payment of claims of certain persons for moneys advanced for the erection of permanent buildings and improvements on the property of the Montana State Fair, reports same back to the House with the recommendation that it do pass.

Also having had under consideraion House Bill No. 10, introduced by Hilman, A Bill for an Act entitled "An Act to add to Part III, Title V, Chapter IV, Article IV, of the Political Code of the State of Montana, relating to the Soldier's Home, an additional section to be designated Section 2531, relating to the employment therein of the Inmates thereof, and providing for their compensation and payment", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 163, introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act Appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home, at Twin Bridges, Montana, reports same back to the House with the recommendation that it do pass."

On motion by Lanstrum, report was adopted.

House Bills Nos. 165, 10 and 163 were referred to Committee on Engrossment.

Lanstrum moved that the rules be suspended and that the House resolve

itself into a Committee of the Whole, for the consideration of all bills on General Orders after House Bill No. 155. Motion carried.

Bennett in the Chair.

House resumed.

Mr. Speaker in the Chair.

Bennett, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 155, introduced by T. D. Sullivan. A Bill for an Act entitled "An Act to conserve the health of female employees in hotels, restaurants, manufacturing, mechanical and mercantile establishments, and providing a penalty for the violation thereof," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 150, introduced by Johnston, by Request, A Bill for an Act entitled "An Act to amend Sections 1760 and 1761 of the Code of Civil Procedure of the State of Montana, relating to appeals to District Courts", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 34, introduced by Murray, A Bill for an Act to amend Section 1653 of the Code of Civil Procedure relating to contempts in Justice Courts, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 109, introduced by Murray, A Bill for An Act to amend Section 470 of the Political Code of the State of Montana, as amended by Senate Bill No. 45 of the laws of 1897, approved March 4th, 1897, relating to the appointment of the State Land Agent, reports same back to the House with the recommendation that it do pass.

Also having had under consideraion House Bill No. 159, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the year 1903 and 1904", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 166, introduced by Committee on Appropriations, An Act to appropriate money for the payment of the deficiency claim of Mitchell & Mussigbrod for the care of patients of the Insane Asylum for the year 1904, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 161, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the Historical Library", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 179, introduced by Commitee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for Rewards", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 115, introduced by Coleman, A Bill for an Act entitled, "An Act providing for the filing of all instruments of assignment, sale or transfer of wages or salaries, and giving notice of the assignment, sale or transfer", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 132, introduced by Bennett, A Bill for an Act to amend Section 131, Article II, Title I, of the Civil Code of the State of Montana, and forbidding certain persons obtaining divorces from marrying again, reports same back to the House with the recommendation that it do pass, with the following amendment:

Amend Section 1, by adding thereto the following:

"Whenever a marriage has been or shall be dissolved the complainant may marry again during the lifetime of the defendant; but no defendant convicted of adultery shall marry again until the death of the complainant, unless the court in which the judgment of divorce was rendered shall in that respect modify such judgment, which modification shall only be made upon satisfactory proof

that the complainant has re-married, that five years have elapsed since the decree of divorce was rendered, and that the conduct of the defendant since the dissolution of said marriage has been uniformly good."

Also having had under consideration House Bill No. 197, introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and material furnished the State Veterinarian", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 128, introduced by Murray, A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of Lizzie Murphy for services rendered as stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October and November, 1903", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 82, introduced by Hewett, A Bill for an Act entitled, "An Act appropriating money for the payment of the Per Diem and Mileage of certain persons on account of services as Presidential Electors for the year 1905", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 199, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act making an appropriation for the payment of the deficiency claim of John F. Patterson, for services rendered the State of Montana, as Deputy Sheep Inspector", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 160, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 162, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of claims of certain persons for services rendered to the Office of the Secretary of State", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 148, introduced by Patten, A Bill for an Act to amend Sections 1186 and 1188 of the Penal Code of the State of Montana, relating to the duties of butchers and other persons slaughtering cattle or purchasing hides, reports same back to the House with the recommendation that it be re-referred to the Committee on Live Stock and Public Ranges."

On motion by O'Connor, report was adopted.

House Bills Nos. 155, 150, 34, 109, 159, 166, 161, 179, 115, 132, with amendment, 197, 128, 82, 199, 160, 162, were referred to the Committee on Engrossment.

House Bill No. 148 was re-referred to Committee on Live Stock and Public Ranges.

On motion by Linderman, at 5:55 P. M., the House adjourned until 10:30 A. M. tomorrow, the 15th Instant.

.....

Speaker.

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Chief Clerk.

FORTY-FIFTH DAY

Wednesday, February 15th, 1905.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called and all members present except Brewster, Hewett, Mulroney, Murphy, MacGinnis, Richardson, and Sullivan of Lewis and Clarke. Brewster excused.

COMMUNICATIONS AND PETITIONS.

"Helena, Montana, Feb. 14th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notice of Introduction of the following Bill was given today:

By Sherlock:

A Bill relaitng to the disqualification of Judges.

Respectfully,

C. E. WIGHT, Secretary."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Helena, Montana, Feb. 14th, 1905.

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report Substitute for House Bills Nos. 11, 43, 86 and 153 as correctly engrossed."

Report received and Substitute for House Bills Nos. 11, 43, 86 and 153 was placed on file for third reading:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 127 has been returned correctly printed and is ready for General Orders."

House Bill No. 127 was placed on General Orders.

By Decker:

Mr. Speaker:

Your Committee on Fairs and Expostiions having had under consideration House Bill No. 170, introduced by Dempster, A Bill for an Act to amend Section 1 of an Act entitled An Act to create in each County of Montana a Commission to be known as the County Agricultural Fair Commission and provide for an appropriation from the County Treasurer in the sum of One Thousand Dollars to be expended by said Commission for County Fair expenses and to amend said Act by adding Section 6 thereto. Recommend that the same be indefinitely postponed."

Dempster moved that House Bill No. 170 be ordered printed and placed on General Orders.

Motion carried and House Bill No. 170 was referred to Committee on Printing.

By Everett:

"Mr. Speaker:

Your Committee on State Lands having had under consideration House Bill No. 99, introduced by Everett, entitled, A Bill for an Act to amend Section 3491, Article I, Chapter I, Title VIII, Part III, of the Political Code, relating to the leasing of State Lands report the same back to the House with the recommendation that it do pass with the following amendment: In Section 1, of line 25, after the word "agreement" insert the words, "except that the present lessee shall have one year in which to begin cultivation."

On motion by Sales, report was adopted.

House Bill No. 99, with amendment, was referred to Committee on Printing.

Also by Everett:

"Mr. Speaker:

Your Committee on State Lands having had under consideration House Bill No. 98, introduced by Wood, entitled, A Bill for "An Act to amend Section 3494 of an Act entitled, "An Act relating to the Appraisal, Sale and Leasing of State Lands, repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting thereof certain sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507", passed by the Sixth Legislative Assembly and approved March 1st, 1899, report the same back to the House with the recommendation that it do pass with the following amendments:

After the word "reservoirs" in line 17 of Section 1, insert the words, "constructed for the purpose of irrigating said lands".

On motion by Sales, report was adopted.

House Bill No. 98, with amendment, was referred to Committee on Printing.

INTRODUCTION OF BILLS.

Leiper asked for unanimous consent to introduce a bill without having given previous notice. Granted.

By Brigham: H. B. No. 235. A Bill for an Act entitled "An Act to make legal and valid certain Special Improvement District Warrants, issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly of the State of Montana, entitled, "An Act relating to Public Improvements in Cities and Towns, etc.", Approved March 8th, 1897, in payment for the construction of a Sanitary Sewer in the said City of Havre."

By Wilson: H. B. No. 236. A Bill for an Act entitled, "An Act to amend Sections 11 and 17 of Article III, of an Act of the Eighth Legislative Assembly of the State of Montana, entitled. "An Act entitled, An Act for the Establihsment of a uniform system of road Government and Administration in the Counties of the State of Montana, and to provide for the levy, collection and disposition of Road Tax, and providing penalties for the violations of the provisions of this Act; and to repeal an Act known as House Bill No. 280", of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the levy, collection and disposition of Road Taxes", Approved March 4th, 1897; and to repeal an Act known as House Substitute for Senate Bill No. 38", of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled, "An Act to repeal Sections 2640, 2642, 2643, 2680 as amended by House Bill No. 280 of the Fifth Legislative Assembly of Montana relating to the Levy, Collection and Disposition of Road Tax, and to provide for the Collection of a Special Road Tax", Approved March 3rd, 1899; and to repeal Senate Bill No. 71", of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the Establishment of a Uniform System of Road Government and Administration in the Counties of Montana", Approved March 16th, 1901; and to repeal Section 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, 2849 of the Political Code of the State of Montana", Approved March 2nd, 1903.

By Johnston, by Request: H. B. No. 237. A Bill for an Act to amend Section 690, Chapter IV, Title VI, of the Code of Civil Procedure of Montana, and providing for the contents of answers in civil actions.

By Johnston, by Request: H. B. No. 238. A Bill for an Act to amend Section 1831, Chapter V, Title XIV, of the Code of Civil Procedure of Montana, and providing for service of notices and other papers.

By Leiper: H. B. No. 239. A Bill for an Act entitled "An Act to repeal Section 1318 of the Political Code, relating to Elections.

By Everett: H. B. No. 240. A Bill for an Act entitled "An Act providing for the Mileage of State and County Officers, and other persons who travel at the Public Expense.

READING OF HOUSE BILLS.

On motion by Linderman, the rules were suspended, and all bills except Appropriation Bills, were read first and second times by title only.

H. B. No. 235, read first and second times, and referred to Committee on Judiciary.

H. B. No. 236, read first and second times, and referred to Committee on Highways.

H. B. No. 237, read first and second times, and referred to Committee on Judiciary.

H. B. No. 238, read first and second times, and referred to Committee on Judiciary.

H. B. No. 239, read first and second times, and referred to Committee on Judiciary.

H. B. No. 240, read first and second times, and referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Appropriations: H. B. No. 241. A Bill for an Act entitled "An Act appropriating money to certain persons for the payment of claims presented to the State of Montana for cattle slaughtered under the Meat and Milk Inspection Law for the years 1903 and 1904."

By Committee on Appropriations: H. B. No. 242. A Bill for an Act entitled "An Act appropriating money to defray the expenses of the Joint Committee, appointed to investigate the Penitentiary at Deer Lodge, Montana."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill 216, introduced by O'Connor, A Bill for an Act entitled, "An Act to provide for the enforcement of the penal statutes prohibiting gambling and for the removal of officers neglecting to discharge their duties in reference to the same, beg leave to report same back to the House with recommendations that it do pass."

On motion by Bennett, report was adopted.

House Bill No. 216 was referred to Committee on Printing.

By Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 219, A Bill for an Act entitled, "An Act Granting unto the Government of the United States the right to use or enlarge any canal or ditch required in Whole or in Part for the Construction of Irrigation Works by the United States within the State of Montana", respectfully recommend that the same be amended as follows:

In line 5, Section 2, the word "enlarged" after the words "privileges owned or" be cut out and "enjoyed" inserted therefor, we recommend said Bill, as amended, do pass."

On motion of Mumbrue, report was adopted.

House Bill No. 219, with amendment, was referred to Committee on Printing.

Also by Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 187, A Bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the Recording of Articles of incorporation and Stock Certificates of Water Users' Association Organized under the National Reclamation Act, and prescribing the fees for such recording", beg to recommend that said Bill be amended as follows:

After the words "by the" in Section 1, line 10, insert the words "Attorney General" instead of "County Attorney of such Counties", also in line 12 of Section 1, after the words "stock certificates" cut out all of the last sentence in Section 1, and insert in lieu thereof the words "the County Recorder shall charge 50 cents for recording each stock certificate", we recommend that said Bill, as amended, do pass."

On motion by Blake, report was adopted.

House Bill No. 187, with amendment, was referred to Committee on Printing.

By Blake:

"Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 191,

"A Bill for an Act to amend Section 1903 of the Political Code of the State of Montana, as amended by Senate Bill No. 44, Session 1897, relating to the attendance of teachers at institutes, and the duties of School Trustees in the matter of closing their schools during the sessions of the County Institutes for Teachers", recommend that the bill do pass."

On motion by Mumbrue, report was adopted.

House Bill No. 191 was referred to Committee on Printing.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 241, read first and second times, and referred to Committee on Printing.

H. B. No. 242, read first and second times, and referred to Committee on Printing.

NOTICES OF BILLS.

The following Notices were given:

By Johnston: A Bill for an Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana.

By Kennedy: A Bill for an Act entitled, "An Act to amend Section 1925 (b), Part III, Title III, of the Political Code of the State of Montana and to provide that, when a complaint charging that a child is a Juvenile Disorderly Person within the meaning of an Act entitled, "An Act to amend Sections 1920, 1921, 1922, 1923, 1924 and 1925, Part III, Title III, of the Political Code of the State of Montana and to provide for the Compulsory Education of all Children between the ages of eight and sixteen years, to Establish Industrial Schools, equip and conduct the same and to provide for the regulation of Juvenile Disorderly Persons", Passed at the Eighth Regular Session of the Legislative Assembly of the State of Montana, and approved March 3rd, 1903, is made before any Mayor, Justice of the Peace or Police Judge, it shall be certified by such Magistrate to the District Court in and for the County in which the child resides or to a Judge of said District Court, and that said district court or the Judge thereof to whom such complaint is certified shall have authority to hear such complaint and order that the child be committed to the Industrial School provided for in said Act.

THIRD READING OF HOUSE BILLS.

On motion by Johnston, the third reading of House Bill No. 27 was postponed until Saturday, the 18th Instant.

GENERAL ORDERS.

On motion by Dempster, the rules were suspended, and the House resolved itself into a Committee of the Whole, for the consideration of all bills on General Orders, taken in order.

Johnston in the Chair.

House resumed.

Mr. Speaker in the Chair.

Johnston, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bill No. 19, introduced by Judiciary Committee, A Bill for an Act to authorize cities and towns to create special improvement districts and to levy special assessments upon the property of such district for the purpose of defraying the cost of constructing or acquiring a system of water works and of laying extensions to water mains, reports same back to the House with the recommendation that it do pass.

On motion by Lannin, report was adopted.

Substitute for House Bill No. 19 was referred to Committee on Engrossment.

On motion by Lanstrum, at 12 o'clock Noon, the House took a recess until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called. Quorum present.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal begs leave to report having read and examined Journal of Tuesday, February 14th, and believe same to be correct."

On motion by Wyman, report was adopted.

Kennedy moved that Substitute for House Bill No. 120 be made a special order of business for 3:30 today. Motion carried.

On motion by Murray, House Bill No. 241 was taken from the Printing Committee and referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Leiper:

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 121, introduced by Murphy, A Bill for, An Act to amend Section 1273, of Chapter V, Title 11, Part III, of the Political Code of the State of Montana, relating to printing instructions for the guidance of electors by the County Clerk of each County", beg leave to report that it be indefinitely postponed."

Leiper moved to adopt report.

Murphy moved, as a substitute, that the report be placed on file; and that the bill be printed and placed on General Orders. Substitute motion lost, Ayes, 20; Noes, 32.

Lannin moved that the printing of House Bill No. 121 be indefinitely postponed. Motion carried.

Also by Leiper:

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 220, introduced by Coleman, a Bill for an Act entitled, "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana", beg leave to recommend that the same do pass with the following amendment:

Section 4. In line four, "can" be stricken out, and the word "must" be inserted."

On motion by Blake, report was adopted.

House Bill No. 220 was referred to Committee on Printing.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 204, 157 and Substitute for House Bill No. 138, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 204, 157 and Substitute for House Bill No. 138 were placed on General Orders.

By Burt:

"Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration Substitute for House Bill No. 57, A Bill for an Act entitled, "An Act Declaring Trespass by Live Stock held in herd, to be a misdemeanor and prescribing the punishment therefor, and repealing an Act entitled. "An Act to provide the owners of Real Estate and Claimants under any of the Land Laws of the United States, and Lessees of State Lands from Trespass by depredation or Injury from Live Stock held in herd", Approved March 6th, 1903, beg to recommend that said bill be amended to read as follows:

Strike out all of line 5, "after lands", and all of line six of Section 1, up to the words "which are", and insert the words "except mining claims" instead. Report same back to the House with the recommendation that it do pass as amended."

On motion by Wyman, report was adopted.

House Bill No. 57, with amendment, referred to Committee on Printing.

GENERAL ORDERS.

On motion by Lanstrum, the rules were suspended, and the House resolved itself into a Committee of the Whole for the consideration of Bills until such time as it may desire to arise.

Wiedeman in the Chair.

House resumed.

Mr. Speaker in the Chair.

Wiedeman, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for House Bills Nos. 130 and 133, introduced by Committee on Railroads and Transportation, A Bill for an Act entitled, "An Act to regulate the rate per mile for transportation of passengers on railroads and railways operating wholly or in part in the State of Montana, and providing penalties for the violation thereof, reports same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 1, by adding thereto another sub-division to read as follows:

"That all charges for fares shall end in the figures 0 or 5, and such figure shall be the one nearest to the fare computed under the provisions of this Act."

Amend Section 1, line 11, by striking out the word "second" and inserting in lieu thereof the word "provided", and by adding after the word "cents", in line 12, the following:

"Provided that any such railroad or railway company shall not be precluded from selling mileage books at a rate less than three cents per mile. All persons shall have equal right to purchase such mileage books."

Amend Section 1, line 4, by inserting after the word "Companies" the following:

"From any point within this State to another point within this State", and also by striking out the word "provided" in line 6, also the word "First" in line 7 and inserting in lieu thereof the word "and".

Amend Section 1, line 1, by striking out the word "operated" and inserting in lieu thereof the word "operating".

Amend Section 2, line 14, by striking out the word "operated" and inserting in lieu thereof the word "operating."

Amend Section 5, line 25, by changing after the word "Section" the figure **"6" to "5".**

Also having had under consideration House Bill No. 164, introduced by Appropriations Committee, A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 180, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims for expense of Attorney General", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 58, introduced by F. P. Leiper, A Bill for an Act creating the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Rosebud and Yellowstone, and providing for the appointment of a Judge thereof, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 181, introduced by Committee on Appropriations, A Bill for an Act entitled An Act appropriating money for the payment of deficiency claims of Coal Mine Inspector for expenses incurred, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 200, introduced by Appropriation Committee, A Bill for an Act appropriating Money for the purpose of refunding to Counties the State's portion of all Taxes, per centum and costs, paid more than once or erroneously or illegally collected and thereafter refunded by such Counties, and providing for such refunding, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 90, introduced by Hil-

man, A Bill for an Act to add to Part III, Title II, Chapter II, of the Political Code of the State of Montana, relating to the Qualifications and Disabilities of Electors, an Additional Section to be Designated Section 1189, Relating to the Right of Suffrage of Deserters from the Military Service of the United States and from the Military Service of the State of Montana, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 182, introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Game and Fish Warden for expenses incurred", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 198, introduced by the Committee on Appropriations, A Bill for An Act entitled "An Act appropriating money for the payment of deficiency claims of certain persons for supplies furnished the Meat and Milk Inspection Board", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 108, introduced by Murray, A Bill for an Act to amend Section 1, of an Act entitled, "An Act to Provide for an Assistant for the Register of the State Land Office; to Fix the Salary thereof and Designate the Fund from which he shall be Paid", approved February 24, 1899, Relating to the Appointment of Deputy Register, reports same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bills Nos. 164, 180, 58, 181, 200, 182, 198, 108, and Substitute for House Bills Nos. 130 and 133, with amendments, were referred to the Committee on Engrossment.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 162, 160, 199, 82, 128, 197, 115, 179, 161, 166, 159, 109, 34, 150, 155, 163. 10, 165, 132 and Substitute for House Bill No. 19 as correctly engrossed."

Report received and House Blls Nos. 162, 160, 199, 82, 128, 197, 115, 179, 161, 166, 152, 109, 34, 150, 155, 162, 10, 165, 132 and Substitute for House Bill No. 19 were placed on file for third reading.

GENERAL ORDERS.

On motion by Bennett, the House resolved itself into a Committee of the Whole, for the consideration of Substitute for House Bill No. 120.

Johnston in the Chair.

House resumed.

Mr. Speaker in the Chair.

Johnston, from the Committee of the Whole reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitutes for House Bill No. 120, introduced by Committee on Fish and Game of the House, A Bill for an Act to repeal Sections 15, 19, 20, 21, 22 and 23 of an Act entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and defining their powers and duties and providing for their compensation", approved March 18th, 1901, and to provide for the licensing of resident and non-resident sportsmen and hunters; to fix prices on shipping permits; to furnish the State Game and Fish Warden with a Clerk; to classify packers as guides; to provide for the disposition of moneys in the Fish and Game Fund; and to provide penalties for the violation of the provisions of this Act, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 3, Line 20, by striking out after the word "any", the words "Resident or".

Amend Section 4, line 25, by striking out after the word "catch", the words

"or have in possession" and in line 42, by striking out after the word "catch", the words "or have in his possession"; and by adding to said Section on line 47, the following: "provided however that nothing in this act shall prevent a bona fide resident of this State from hunting in his own field during the open season, or fishing in the waters running through same or adjacent thereto, without first obtaining a license therefor; provided further, that a license under the provisions of this act issued to the head of a family shall include therein all female members of his family, as well as all male members thereof under 21 years of age"."

On motion by Blake, report was adopted.

Substitute for House Bill No. 120, with amendments, was referred to Committee on Engrossment.

THIRD READING OF HOUSE BILLS.

House Bill No. 165, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, MacGinnis, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker, Sewell—55.

Noes—Fairbanks and Huntington—2.

Absent and not voting—Buck, Coleman, Dempster, Lannin, Leiper, Mumbrue, Murphy, Macdonald, O'Brien, Quigley, Roll, Selway, Shannon, Teskey and Walker—15.

Title agreed to.

On motion by Linderman, all bills, except Appropriation Bills, were read third time by title only.

House Bill No. 10, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett Hilman, Johnston, Lanstrum, Linderman, Meunier, Mulroney, Murray, MacGinnis, Macdonald, Patten, Reel, Potter, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Williams, Wilson, Wood, and Mr. Speaker.—49.

Noes—Bembrick, Brigham, Everett, Huntington, Kennedy, Leiper, Murphy, O'Connor, Wiedeman and Wyman—10.

Absent and not voting—Carriher, Coleman, Dempster, Lannin, Metcalf, Mumbrue, O'Brien, Quigley, Roll, Selway, Shannon, Teskey, Walker—13.

Title agreed to.

House Bill No. 163, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sanden, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Williams, Wood, Wyman and Mr. Speaker—53.

Noes—None.

Absent and not voting—Carriher, English, Hewett, Linderman, Meunier, Mulroney, Mumbrue, MacGinnis, O'Brien, Quigley, Sales, Sanders, Schoonover, Selway, Shannon, Teskey, Vandyck, Wiedeman and Wilson—19.

Title agreed to.

House Bill No. 155, having been read three several times, was passed by the following vote.

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Cannoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum,

Leiper, Metcalf, Meunier, Murray, Murphy, MacGinnis, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Sewell, Starz, Stevens Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Berry, Bembrick, Carriher, English, Fairbanks, Hewett, Linderman, Mulroney, Mumbrue, Macdonald, O'Brien, Sales, Schoonover, Selway, Shannon, Teskey and Vandyck—17.

Title agreed to.

House Bill No. 150, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston,, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Murray, Murphy, MacGinnis, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Wood, Wyman and Mr. Speaker—53.

Noes—None.

Absent and not voting—Berry, Bembrick, Carriher, Fairbanks, Hewett, Linderman, Meunier, Mulroney, Mumbrue, Macdonald, O'Brien, Sales, Schoonover, Selway, Shannon, Teskey, Vandyck, Williams and Wilson—19.

Title agreed to.

House Bill No. 34, having been read three several times, Lannin moved that the enacting clause be stricken out. Motion lost.

House Bill No. 34 failed to pass by the following vote:

Ayes—Brewster, Brigham, Buck, Burt, Carriher, Coleman, Cone, Decker, English, Everett, Forsythe, Murray, Potter, Richardson and Mr. Speaker—15.

Noes—Bennett, Bembrick, Blake, Canoll, Christian, Collier, Dempster, Geyman,, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Meunier, Mulroney, Murphy, MacGinnis, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sanden, Sanders, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood and Wyman—42.

Absent and not voting—Berry, Blankenship, Fairbanks, Hilman, Leiper, Linderman, Metcalf, Mumbrue, Macdonald, O'Brien, Sales, Schoonover, Selway, Starz and Vandyck—15.

House Bill No. 109, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Potter, Patten, Richardson, Ross, Sanders Sewell, Stevens, Sykes, Wiedeman, Williams, Wood and Mr. Speaker—34.

Noes—Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Murphy, MacGinnis, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—30.

Absent and not voting—Hilman, Leiper, Meunier, O'Brien, Sales, Selway, Starz and Vandyck—8.

Title agreed to.

House Bill No. 159, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Stevens, Sullivan

of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Bembrick, Canoll, Cone, Hilman, Lannin, Leiper, O'Brien, Selway, Starz, Vandyck, Walker and Williams—13.

Title agreed to.

House Bill No. 166, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Berry, Carriher, Cone, O'Brien, Selway, Shannon, Starz, Vandyck, Walker and Wilson—10.

Title agreed to.

House Bill No. 161, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Decker, Everett, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Berry, Canoll, Collier, Cone, Dempster, Lanstrum, Linderman, Mulroney, O'Brien, Selway, Starz and Vandyck—12.

Title agreed to.

House Bill No. 179, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGninis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Berry, Bembrick, Brigham, Carriher, Cone, Mulroney, O'Brien, Selway and Williams—9.

Title agreed to.

House Bill No. 115, having been read three several times, Hewett moved that the enacting clause be stricken out. Motion carried.

House Bill No. 197, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, Cone, Kennedy, Lannin, Mulroney, O'Brien, Potter, Sanden, Selway, Teskey and Williams—11.

Title agreed to.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By MacGinnis, by Request: House Joint Memorial No. 5.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, the Legislature of the State of Montana has heretofore enacted laws for the protection of the people of this commonwealth against adulterated, mis-branded and deleterious foods, drugs and medicines, and at this time realizing the necessity for adequate legislation by Congress to protect the State against Inter-state Commerce which is beyond the control of this State in such prohibited articles; Therefore,

BE IT RESOLVED, that your memorialists, the Ninth Legislative Assembly of the State of Montana, respectfully petition your Honorable Body in the exercise of the power of regulation commerce between the several states granted by the Constitution of the United States, to speedily enact such legislation as will insure the prohibition of inter-state commerce in adulterated, mis-branded, and deleterious foods, drugs and medicines, to the end that the laws of our State relative thereto, may be more effective.

READING OF HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

House Joint Memorial No. 5, read first and second times, and referred to Committee on Federal Relations.

NOTICES OF BILLS.

The following notices were given:

By Quigley: A Bill for an Act to amend Section 2385 of the Political Code of Montana, providing for the loan of books belonging to the State Library.

By Carriher: A Bill for an Act entitled, An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of Montana, relating to the licenses of Peddlers, Hawkers and Traveling Merchants.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 167, 6, 143, 144, 139, and 192 have been returned correctly printed and are ready for General Orders."

Report received, and House Bills Nos. 167, 6, 143, 144, 139 and 192 were placed on General Orders.

INTRODUCTION OF BILLS.

Walker asked for permission to introduce a Bill without having given previous notice. Granted.

The following Bills were introduced and placed on file:

By Walker, by Request: H. B. No. 243. A Bill for an Act to amend Section 1480, of Title XI, Chapter I, of the Code of Civil Procedure of Montana, relating to place of trial of actions in Justices' Courts.

By Mulroney: H. B. No. 244. A Bill for an Act entitled "An Act to amend Section 2, 15 and 24 of an Act entitled, 'An Act to Create the Office of Meat and Milk Inspector for the State of Montana, and prescribing their Powers and Duties and Compensation therefor', Approved March 7th, 1903."

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 243, read first and second times, and referred to Committtee on Judiciary.

H. B. No. 244, read first and second times, and referred to Committee on Sanitary Affairs.

On motion by Lanstrum, at 5:05 P. M., the House adjourned until 10:30 A. M. todmorrow.

.....Speaker.

.....Chief Clerk.

FORTY-SIXTH DAY

Thursday, February 16th, 1905.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called. All present except Meunier, MacGinnis, O'Brien and Selway.

Mr. Speaker excused Selway.

COMMUNICATIONS AND PETITIONS.

A telegram was received from Missoula Typographical Union No. 277, protesting against the passage of House Bill No. 225. Placed on file.

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate today receded from its former amendment to House Bill No. 52, and Bill is herewith returned to House.

Respectfully,

C. E. WIGHT, Secretary."

House Bill No. 52 was referred to Committee on Enrollment.

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notices of Introduction of Bills were this day given as follows:

By Miles: A Bill for an Act relating to the use of surplus waters by prior appropriators.

By Martien: A Bill to provide for the publication of the tax rolls of the Several Counties of the State of Montana.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a Substitute was recommended for House Bill No. 50, and also a Substitute for House Bill No. 96 and Senate Bill No. 49, and the House Bills are herewith returned.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 97 was not concurred in and is herewith returned to the House; that House Bills Nos. 16 and 110 were today concurred in and the same are herewith returned.

Respectfully,

C. E. WIGHT, Secretary."

House Bills Nos. 16 and 110 were referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 71, by Mahon: A Bill for an Act to amend Title VIII, Division II, Part IV of the Code of Civil Procedure of the State of Montana, relating to the appropriation of water for beneficial purposes, and defining the rights of appropriators by adding two new Sections to be numbered Sections 1903 and 1904.

Senate Bill No. 72, by Sherlock: A Bill for an Act entitled "An Act to amend Section 180 of the Code of Civil Procedure, relating to the disqualification of Judges, as amended at the second extraordinary Session of the Eighth Legis-

lative Assembly by an Act entitled "An Act to amend Section 180 of the Code of Civil Procedure relating to the disqualification of Judges, approved December 10th, 1903."

Respectfully,

C. E. WIGHT, Secretary."

REPORTS OF SELECT COMMITTEES.

The following was received:

"Mr. Speaker:

Your Committee selected to ascertain the sentiment of this House with reference to the Homestead Bill, introduced in the House of Representatives by the Honorable Joseph M. Dixon, of Montana, and beg leave to report as follows:

After a careful canvass of the members of this House, we find that seventy per cent are unfavorable to said measure.

S. M. ROSS,
C. L. MURRAY,
A. D. MACDONALD."

Murray moved to adopt the report of the Committee.

Johnston moved, as a substitute, that the Committee on Federal Relations be instructed to present to the House, not later than Saturday, a Joint Resolution, protesting against the passage of Representative Dixon's Homestead Bills.

Substitute motion carried. Original motion lost, and Report of Committtee not adopted.

REPORTS OF STANDING COMMITTEES.

Brewster reported as follows:

"Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred Substitute for Senate Bill No. 12, A Bill for "An Act to Define Lawful Fences, and to Repeal Section 3250 of the Political Code, and An Act Approved March 16, 1901, Entitled, "An Act to amend Section 3250, Chapter XIII, Title VII, Part III, of the Political Code of the State of Montana", beg leave to report the same back to the House with the recommendation that it be concurred in."

On motion by Blake, report was adopted.

Substitute for Senate Bill No. 12 was placed on General Orders.

Wilson reported as follows:

"Helena, Montana, Feb. 15th, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 164, 180, 58, 181, 200, 182, 198, 108 and Substitute for House Bill No. 120, as correctly engrossed."

Report received and House Bills Nos. 164, 180, 58, 181, 200, 182, 198, 108, and Substitute for House Bill No. 120 were placed on file for third reading.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Kennedy: H. B. No. 245. A Bill for an Act to amend Section 1925 (b), Part III, Title III of the Political Code of the State of Montana and to provide that when a complaint charging that a child is a juvenile disorderly person within the meaning of an Act entitled, "An Act to amend Sections 1920, 1921, 1922, 1923, 1924 and 1925, Part III, Title III of the Political Code of the State of Montana and to provide for the compulsory education of all children between the ages of eight and sixteen years, to establish Industrial Schools, equip and conduct the same and to provide for the regulation of juvenile disorderly persons" passed at the eighth regular session of the Legislative Assembly of the State of Montana, and approved March 3rd, 1903 is made before any Mayor, Justice of the Peace or Police Judge it shall be certified by such Magistrate to the District Court in and for the County in which the child resides or to a Judge of said District Court and that said District Court or the Judge thereof to whom such complaint is certified shall have the authority to hear such complaint and order that the child be committed to the Industrial School provided for in said Act.

By Johnston, By request: H. B. No. 246. A Bill for an Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana.

By Committee on Appropriations: H. B. No. 247. A Bill for an Act making appropriations for the Incidental Expenses of the Ninth Legislative Assembly of the State of Montana.

By Leiper: H. B. No. 248. A Bill for an Act entitled "An Act appropriating money for the reimbursement of Organized Water Users' Associations for fees paid the Secretary of State, on filing Articles of Incorporation and Issuance of Certificate of Incorporation prior to the passage and approval of an act entitled "An Act providing that Water Users' Association organized in conformity with the requirements of the laws of the United States and the State of Montana for the furnishing of water only to its Stockholders, shall be exempt from Incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such Articles and Issuing Certificates of Incorporation."

By Quigley: H. B. No. 249. A Bill for an Act to amend Section 2385 of the Political Code of Montana providing for the loan of books belonging to the State Library.

By Carriher: H. B. No. 250, A Bill for an act entitled "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to licenses of peddlers, hawkers, and traveling merchants."

Wiedeman asked that he be allowed to introduce a Bill without having given previous notice. Granted.

By Wiedeman: H. B. No. 251, A Bill for an Act entitled "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian and to make an appropriation for such experiments."

READING OF HOUSE BILLS.

Linderman moved that the rules be suspended, and that all Bills, except Appropriation Bills, be read first and second times by title only. Motion carried.

The following Bills were taken from the file:

H. B. No. 245, read first and second times, and referred to Committee on Judiciary.

H. B. No. 246, read first and second times, and referred to Committee on Judiciary.

H. B. No. 247, read first and second times, and referred to Committee on Printing.

H. B. No. 248, read first and second times, and referred to Committee on Appropriations.

H. B. No. 249, read first and second times, and referred to Committee on Libraries.

H. B. No. 250, read first and second times, and referred to Committee on Judiciary.

H. B. No. 251, read first and second times, and refered to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 58, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—39.

Noes—Bembrick, Blankenship, Canoll, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Lannin, Murphy, MacDonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—27.

Absent and not voting—Berry, Hewett, Meunier, MacGinnis, O'Brien and Selway—6.

Title agreed to.

On motion by Linderman, the rules were suspended, and Substitute for House Bill No. 120 was read third time by title only.

Substitute for House Bill No. 120, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Harrington, Hayes, Hilman, Huntington, Kennedy, Lannin, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—Canoll, Fairbanks, Forsythe, Johnston, Quigley and Roll—6.

Absent and not voting—Geyman, Hewett, Lanstrum, Meunier, MacGinnis, O'Brien, and Selway—7.

Title agreed to.

Kennedy moved that the rules be suspended, and that all bills, except Appropriation Bills, be read third time by title only and that the records be made to show that all bills had been read in full. Motion carried.

Kennedy asked for a call of the House.

Roll called and all members present except Hewett, Meunier, MacGinnis, O'Brien, and Selway.

House Bill No. 108, having been read three several times was passed by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—36.

Noes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Murphy, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—31.

Absent and not voting—Hewett, Meunier, MacGinnis, O'Brien and Selway—5.

Title agreed to.

House Bill No. 198, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blenkenship, Brigham, Brewster, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Leiper, Metcalf, Mumbrue, Murray, Murphy, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—66.

Noes—None.

Absent and not voting—Meunier, Mulroney, MacGinnis, Macdonald, O'Brien, and Selway—6.

Title agreed to.

On motion by Lanstrum, House Bill No. 154 was made a Special Order of Business for 3 o'clock P. M. today.

House Bill No. 182, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of

Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Bennett, Brewster, Cone, Hewett, Huntington, Kennedy, Meunier, Mulroney, MacGinnis, O'Brien, Sales, Selway and Walker—13.

Title agreed to.

House Bill No. 200, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood and Mr. Speaker—55.

Noes—None.

Absent and not voting—Bennett, Bembrick, Carriher, Coleman, Cone, Geyman, Hayes, Hewett, Lannin, Meunier, MacGinnis, O'Brien, Sales, Selway, Walker, Wilson and Wyman—17.

Title agreed to.

House Bill No. 181, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Huntington, Harrington, Hayes, Hewett, Hilman, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Wiedeman, Wood, Wyman and Mr. Speaker—57.

Noes—Williams—1.

Absent and not voting—Cone, Kennedy, Meunier, MacGinnis, O'Brien, O'Connor, Patten, Sales, Selway, Sykes, Teskey, andyck, Walker, and Wilson—14.

Title agreed to.

House Bill No. 180, having been read three several times was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Sullivan, of Jefferson, Sullivan of Lewis and Clarke, Sykes, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—56.

Noes—None.

Absent and not voting—Brewster, Burt, Cone, Kennedy, Meunier, MacGinnis, O'Brien, O'Connor, Ross, Sales, Selway, Stevens, Teskey, Vandyck, Walker and Wilson—16.

Title agreed to.

Substitute for House Bill No. 19, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Bembrick, Burt, Carriher, Cone, Kennedy, Linderman, Meunier, Murray, Macdonald, O'Brien, Richardson, Ross, Sales, Selway, Vandyck —15.

Title agreed to.

MOTIONS AND RESOLUTIONS.

Shannon moved that a conference committee of three be appointed to confer with a like committee from the Senate on House Bill No. 20.

Motion carried, and Mr. Speaker appointed Patten, Decker and Shannon as such Committee.

INTRODUCTION OF BILLS.

Bennett asked for unanimous consent to introduce a bill, from the Ways and Means Committee, without having given previous notice. Granted.

The following Bill was introduced and placed on file:

By Committee on Ways and Means: H. B. No. 252: A Bill for an act to provide for the support of the Government of the State of Montana, for the years 1905 and 1906.

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 252, read first and second times, and referred to Committee on Printing.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report Substitute for House Bill Nos. 130 and 133 as correctly engrossed."

Report received and Substitute for House Bills Nos. 130 and 133 was placed on file for third reading.

On motion by Lanstrum, at 12:15 P. M., the House took a recess until 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called, quorum present.

Mr. Speaker excused Carriher, Murray and Selway.

REPORT OF SELECT COMMITTEE.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Wednesday, February 15th, 1905, and believe same to be corrrect."

On motion by O'Connor, report was adopted.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 151 and 131 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 151 and 131 were placed on General Orders.

THIRD READING OF HOUSE BILLS.

House Bill No. 164, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon,

Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson. Wood, Wyman and Mr. Speaker—64.

Noes—None.

Absent and not voting—Blankenship, Carriher, Coleman, Dempster, Leiper, Murray, Potter and Sullivan of Lewis and Clarke—8.

Title agreed to.

House Bill No. 128, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Canoll, Coleman, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood. Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Blankenship, Carriher, Christian, Collier, Cone, English, Murray, Selway, Shannon, Sullivan of Lewis and Clarke and Wilson—11.

Title agreed to.

House Bill No. 82, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham. Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien. O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders. Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, Carriher, Cone, Dempster, Everett, Huntington, Murray, Roll, Selway, Walker and Wyman—11.

Title agreed to.

House Bill No. 199, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum. Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—None.

Absent and not voting—Carriher, Dempster, English, Murray, O'Connor, Selway, Shannon and Walker—8.

Title agreed to.

Mr. Speaker announced "The House will please take notice that the Speaker is about to sign Senate Bill No. 27, An Act amending Section 577, Chapter IV, Title II, Part IV, Division I, of the Civil Code of the State of Montana, relating to State Banks and providing penalty for false statements, reports or entries in the books thereof.

Also Senate Bill No. 31, An Act to amend Section 4328 of the Political Code of the State of Montana, relating to the classification of Counties.

Also Senate Bill No. 36, An Act to Detach Meagher County from the Ninth Judicial District and to Annex it to the Tenth Judicial District.

House Bill No. 160, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington John-

ston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Carriher, Cone, English, Mumbrue, Murray, MacGinnis, Roll, Selway, Sullivan of Lewis and Clarke, Walker—10.

Title agreed to.

House Bill No. 162, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Huntington, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—58.

Noes—None.

Absent and not voting—Canoll, Carriher, English, Hewett, Hilman, Johnston, Metcalf, Mumbrue, Murray, MacGinnis, Potter, Selway, Sullivan of Lewis and Clarke, Walker—14.

Title agreed to.

House Bill No. 132, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Coleman, Collier, Decker, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Kennedy, Lannin, Meunier, Macdonald, O'Connor, Patten, Richardson, Sales, Sanders, Sewell, Vandyck, Wiedeman, Williams, Wood and Mr. Speaker—33.

Noes—Bembrick, Canoll, Geyman, Hewett, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, O'Brien, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Wilson and Wyman—30.

Absent and not voting—Carriher, Cone, English, Everett, Murray, MacGinnis, Potter, Selway and Walker—9.

Title agreed to.

Substitute for House Bills Nos. 130 and 133, having been read three several times, was passed by the following Vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter Quigley, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Bembrick, Carriher, Mulroney, Murray, Reel, Sales, Selway, Shannon and Walker—9.

Title agreed to.

On motion by MacGinnis, at 2:50 P. M., the House took a recess until 3 P. M.

House resumed at 3 o'clock P. M.

Mr. Speaker in the Chair.

Roll called. Quorum present.

Johnston moved that a Committee of Five, consisting of the Speaker and two members from each side, be appointed to draft a Substitute for House Bill No. 154.

Substitute motion by Lanstrum, that the House resolve itself into a Committee of the Whole, for the consideration of House Bill No. 154.

Substitute motion lost by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—32.

Noes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Teskey, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Walker, Wood, and Wyman—37.

Absent and not voting—Selway—1.

Paired—Carriher and Roach—2.

Original motion carried; Ayes 37; Noes, 28.

Mr. Speaker appointed as a Committee to draft Substitute for House Bill No. 154, with himself, Mulroney, Wiedeman, MacGinnis and Macdonald.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of all Bills on General Orders, until the Committee should see fit to arise.

Linderman in the Chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum moved that when the House adjourn, it adjourn until 2 P. M. tomorrow. Motion carried.

On motion by Lanstrum, the report of the Committee of the Whole was considered read.

Linderman, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 204, Introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the Payment of the Claims of Certain Persons for Expenses Incurred in Transporting Prisoners to the Penitentiary during the Years 1903 and 1904," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 39, Introduced by Hewett, A Bill for an Act entitled, "An Act appropriating money for the completing, furnishing and equipping of the Building for Feeble Minded at the Montana School for the Deaf and Blind, at Boulder, Montana, and for the erection and equipment of an additional building, which will contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind at Boulder, Mont.," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 171, Introduced by Walker, A Bill for an Act entitled, "An Act to amend Section 860 and 861 of Chapter V, Title I, Part III, of the Political Code, relating to salaries of Justices of the Supreme Court and Judges of the District Court," reports same back to the House with the recommendation that it do pass, with the following amendment:

Amend Section 2, line 7, by striking out the word "Five" and inserting the word "Four."

Also having had under consideration House Bill No. 156, Introduced by Brigham, A Bill for an Act to add to Chapter VI of Title IX, of the Penal Code of the State of Montana, relating to offenses against good morals, an additional Section to be designated Section 543, and relating to smoking by minors, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 201, Introduced by the Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Eighth Legislative Assembly for expenses incurred," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 202, Introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Bureau of A. L. & I. for ex-

penses incurred," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 203, Introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Board of Education for expenses incurred," reports same back to the House wtih the recommendation that it do pass.

Also having had under consideration House Bill No. 168, Introduced by Sewell, A Bill for an Act to amend Section 540 of the Penal Code of the State of Montana, relating to Public Morals, reports same back to the House with the recommendation that it be placed on General Orders for February 23rd, 1905.

Also having had under consideration House Bill No. 189, Introduced by Linderman, A Bill for an Act making it a misdemeanor to give false information to a newspaper or other publication; to provide for its enforcement, and a penalty for its violation, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 149, Introduced by Johnston, by Request, A Bill for an Act to amend Section 3848 of the Civil Code of Montana, relating to the Satisfaction of Mortgages, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 26, by striking out the semi-colon (;).

Also having had under consideration House Bill No. 129, Introduced by Sales, A Bill for an Act to amend Sections 51, 52 and 53, of Chapter XLIV of the laws of 1903, relating to the inspection of Highways and Bridges by County Surveyors, and providing for the inspection of Highways and Bridges by a member of the Board of County Commissioners and for his compensation, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 158, Introduced by Committee on Appropriations, "A Bill for an Act entitled An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State School of Mines," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 175, Introduced by Wiedeman, A Bill for an Act to amend Sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to Trustees of County Free High Schools; and for the repeal of Chapter LXIX of the Laws of 1903, approved March 5th, 1903, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 107, Introduced by Wood, A Bill for an Act appropriating money to the Historical and Miscellaneous department of the State Library for the purpose of purchasing bound volumes of Newspapers, Periodicals, State Reports, Histories, Maps, Medical and Scientific Books and Works, for insurance, and for finishing the fireproof vaults used by said department, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 157, Introduced by Kennedy, A Bill for an Act entitled, "An Act to establish a State Flag of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 138, Introduced by Amos Buck, Chairman of Fish and Game Commitee of the House, A Bill for An Act to repeal Sections 4, 6, 11, 12, 21 and 25 of House Bill No. 123, entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8, 1897, and to also repeal Sections 1, 2, 3 and 5 of said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 3, line 23, by striking out after the word "than" the word "two" and inserting in lieu thereof the word "one."

Also having had under consideration House Bill No. 101, Introduced by Mulroney. A Bill for an Act entitled, "An Act to regulate the practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this Act, and to repeal House Bill No. 38 of the Seventh Legislative Assembly of the State of Montana," approved February 26th, 1901, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 41, Introduced by Committee on Live Stock and Public Ranges, A Bill for an Act entitled, "An Act to amend Sections 3070, 3071, 3072, and 3076 of the Political Code of Montana, as amended by an Act approved March 6th, 1903; relating to the Bounties for the killing of certain wild animals," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 3, lines 48 and 49, by striking out the words "stock grower" wherever occuring, and inserting in lieu thereof the word "taxpayer."

Amend the Bill by inserting after line 102, Section 3, the following:

"Section 4. That Section 3076 of the Political Code of Montana, as amended by an Act approved March 6th, 1903, be and the same is hereby amended to read as follows:

Amend Section 3, line 109 of the printed bill, by striking out the words "refuse to."

Amend the Bill by changing the numbers of Sections "4" and "5" to "5" and "6" respectively.

Also having had under consideration House Bill No. 127, Introduced by Wood, A Bill for An Act to amend Chapter 32, of the Laws of 1903, entitled An Act to amend Section 451 of the Civil Code relating to annual reports of corporations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 143, Introduced by Leiper, A Bill for an Act entitled, "An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other Irrigation System of the National Government", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 131, Introduced by Macdonald, A Bill for an Act to prevent the Adulteration, Misbranding and selling of Adulterated and Unwholesome Foods and Beverages, Prescribing a Penalty for the violation hereof, Providing for the Inspection and Analysis of Foods, Charging the Montana Agricultural College with the duty thereof, Charging the County Attorneys with the enforcement hereof and making an appropriation therefor, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 2, line 53, by inserting after the words "per cent" wherever occurring, the words "by weight."

Amend the bill by striking out all of Section 3 and inserting in lieu thereof the following:

"Section 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars or more than two hundred and fifty dollars, and all necessary costs including the expense of analyzing such adulterated articles when said person has been found guilty under this act. In default of the payment of such fine and costs, the person convicted shall be imprisoned in the County Jail one day for each two dollars of such fine and costs."

Amend the Bill by striking out all of Section 11, and inserting in lieu thereof the following:

"Section 11. All fines collected for violation of this Act shall be paid to the State Treasurer by the officer collecting the same, and shall be kept by the State Treasurer in a separate fund, to be known as the Pure Food Fund. The sum of $2,500.00, or so much thereof as may be in said fund at any time prior to December 1st, 1906, is hereby appropriated to the Montana Agricultural College for each of the years 1905 and 1906, to be paid quarterly out of said fund."

Amend the Bill by striking out all of Section 12 and inserting in lieu thereof the following:

"Section 12. No action shall be maintained in any court of this State to re-

cover the purchase price of any goods sold in violation of this Act, or to enforce any contract made in violation of this Act."

Also having had under consideration House Bill No. 192, Introduced by Mumbrue, A Bill for an Act entitled "An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 144, Introduced by Collier, A Bill for an Act to regulate the hours of labor of locomotive engineers, locomotive firemen and trainmen, and to provide a penalty for the violation thereof, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 167, Introduced by Sewell, by request, A Bill for an Act to amend Section 1091 of the Penal Code of the State of Montana, relating to cruelty to animals, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 118, Introduced by Bennett, A Bill for an Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed County Officers, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 4, by striking out the word "four" and inserting in lieu thereof the word "six;" and in line 9, by striking out the word "five" and inserting in lieu thereof the word "six;" and in line 14 by striking out the word "four" and inserting in lieu thereof the word "six."

Amend Section 2 by adding the following:

"In Counties of the first, second and third classes, Assessors may be allowed one deputy and during the months of March, April, May, June, July and August, and not to exceed two additional deputies, at a salary not exceeding one hundred dollars per month, in Counties of all other classes Assessors may be allowed one deputy during the months of March, April, May, June and July, at a salary not exceeding one hundred dollars per month.

The whole number of deputies allowed to County Auditors in Counties of the first, second and third classes, must not exceed one.

The whole number of deputies allowed the County Attorney in counties of the first and second class must not exceed one chief deputy, and one deputy; and in all other counties such deputies may be allowed by the Board of County Commissioners, not to exceed one chief deputy and one deputy."

On motion by Lanstrum, report was adopted.

House Bills Nos. 204, 39, 171, with amendment, 201, 202, 203, 189, 149, with amendment, 129, 158, 175, 107, 157, 101, 127, 143, 131, with amendments, 192, 144, 167, 118, with amendments; Substitute for House Bill No. 138 with amendments, and Substitute for House Bill No. 41, with amendments, were referred to Committee on Engrossment.

House Bill No. 168 was referred to General Orders for February 23rd, 1905.

INTRODUCTION OF BILLS.

Shannon requested to be allowed to introduce a Bill without having given previous notice. Granted.

The following Bill was introduced and placed on file:

By Shannon: H. B. No. 253, A Bill for an Act entitled, "An Act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana relating to officers and election of officers in cities having a population of eighteen thousand or over."

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 253, read first and second times, and referred to Committee on Judiciary.

On motion by Linderman, at 5:50 P. M., the House adjourned.

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Speaker.

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Chief Clerk.

FORTY-SEVENTH DAY

Friday, February 17, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called. All present except Bembrick, Carriher, Coleman, Reel, Roll and Selway.

Mr. Speaker excused Bembrick, Carriher, Coleman and Selway.

REPORT OF SELECT COMMITTEES.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal, beg leave to report having read and examined Journal of Thursday, February 16th, and believe same to be correct."

On motion by O'Connor, report was adopted.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled, this 17th day of February, 1905.

House Bill No. 16: An Act entitled, "An Act authorizing the County Commissioners of any County to Provide Public Scales at any suitable location in the County; Providing for the Capacity thereof, and for the Appointment, Qualification, Duties, Compensation and Removal of Public Weighers, and Fixing Penalty for the Issuance of a False Certificate of any such Public Weigher."

House Bill No. 110: An Act entitled, "An Act to determine the Liabilities of Persons or Corporations Operating Mines, Smelters or Mills in this State for Damages Sustained by Employees thereof, and to Declare Void Contracts Restricting Liability."

House Bill No. 52: An Act entitled, "An Act to Punish Interference, and Attempted Interferences with Railroad Property, and the Causing of Death thereby; and to repeal Section 1030, of Chapter 13, of Title 13, of Part 1, of the Penal Code of Montana."

Mr. Speaker announced, "The House will please take notice that the Speaker is about to sign House Bill No. 16, An Act entitled, "An Act authorizing the County Commissioners of any County to provide public scales at any suitable location in the county; providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher."

Also House Bill No. 52, An Act entitled "An Act to punish interferences, and attempted interferences with railroad property and the causing of death thereby; and to repeal Section 1030 of Chapter XIII of Title XIII, of Part I, of the Penal Code of the State of Montana."

Also House Bill No. 110, An Act entitled An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State for damages sustained by employees thereof, and to declare void contracts restricting liability."

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Feb. 16, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 73, by Donlan: A Bill for an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, "An Act for an Act to amend Section 410 of the Political Code of Montana relating to the fees of the Secretary of State," approved March 2nd, 1899, relating to the fees of the Secretary of State, and also an Act to amend Section 410 of the Political Code of Mon-

tana, as amended by an Act entitled, "A Bill for an Act to amend Section 410 of the Political Code of Montana, relating to the fees of the Secretary of State," approved March 2nd, 1899, relating to the fees of the Secretary of State, approved March 9, 1903."

Senate Bill No. 74, by Martien: A Bill for an Act entitled, "An Act to provide for the Publication of the Tax Rolls of the several Counties of the State of Montana."

Senate Bill No. 75, by Miles: A Bill for an Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriation.

Senate Bill No. 76, by Martien: A Bill for an Act entitled, "An Act to amend Subdivision X of Section 410 of the Political Code of Montana as said section reads as amended by an Act approved March 2, 1899, so as to provide for the payment of the same fees for the filing of the articles of a foreign corporation as are now provided by law for filing the articles of a domestic corporation."

Senate Bill No. 77, by Miles: A Bill for an Act entitled, "An Act authorizing the incorporation of Endowment and Investment Companies."

Senate Bill No. 78, by Sherlock: A Bill for an Act relating to the fees of Police Judges in Criminal Cases in the Cities and Towns of the State of Montana.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 16, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and passed and are herewith transmitted to the House for its concurrence:

Senate Bills Nos. 38, 39, 50, 54, 59, 60 and Substitute for Senate Bill No. 15; also that House Bill No. 85 was read a third time and concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

House Bill No. 85 was referred to Committee on Enrollment.

A protest was received from the Montana Federation of Labor, against the passage of House Bill No. 225. Placed on file.

Also a protest from Butte Typographical Union No. 126, against the passage of House Bill No. 225. Placed on file.

Kennedy presented a Resolution from Butte Typographical Union, protesting against the passage of House Bill No. 225. Placed on file.

A telegram was received from Missoula Typographical Union No. 277, Missoula, Montana, protesting against the passage of House Bill No. 225. Placed on file.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 172, A Bill for an Act entitled, "An Act relating to number of assistants allowed the Clerk of the District Court in Counties of the first class, and fixing the compensation allowed to said deputies and assistants in counties of the first class," hereby report same back to the House and recommend that it be indefinitely postponed."

Bennett moved to adopt report.

Substitute motion, by Dempster, that House Bill No. 172 be referred to Committee on Printing. Substitute motion lost. Ayes, 30; Noes 33.

Substitute motion, having received a one-third vote of the House, House Bill No. 172 was referred to Committee on Printing.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos.

183, 152, 116, 194, 196, and 174 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 183, 152, 116, 194, 196 and 174 were placed on General Orders.

By Fairbanks:

"Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 2, Introduced by Mahon, which reads as follows:

To the Honorable Senate and House of Representatives of the United State in Congress Assembled:

WHEREAS; there are now in a portion of the State of Montana, known as the Fort Peck Indian Reservation, many thousand acres of desirable agricultural land in every way adaptable to farming and stock raising far in excess of the needs of the Indians of said reservation, and

WHEREAS; this land embodies some of the choicest agricultural area in eastern Montana, which is now of no material benefit to said Indians, or a source of revenue to either Federal or State Government, and

WHEREAS; the proposed Milk River Irrigation project, as located by present surveyors, will connect with the West Boundary of said reservation, and

WHEREAS; the continuation of the Government Canal into this Reservation will make one of the most fertile and productive valleys in the State of Montana, and make homes for hundreds of families,

THEREFORE BE IT RESOLVED; that we, your memorialists, the Ninth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to enact such legislation as will result in the opening of the Fort Peck Indian Reservation under conditions similar to the opening of the Crow and Flathead Indian Reservation in this State; and

BE IT FURTHER RESOLVED; that the Secretary of State be, and he is hereby instructed to forthwith transmit copies of this memorial properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana, beg leave to report the same back to the House with the recommendation that it be concurred in."

On motion by Murphy,, report was adopted.

Senate Joint Memorial No. 2 was referred to General Orders.

"Mr. Speaker:

We, the majority of your Committee on Immigration, having had under consideration Senate Bill No. 25, entitled, "An Act to empower the Boards of County Commissioners of the several counties to expend certain moneys belonging to such counties according to the class thereof, for the purpose of encouraging immigration thereto and the location of manufacturing and other commercial undertakings therein, and the settlement of the farming lands thereof, and to require them to do so under certain conditions, and designating who shall act as the agents of said Boards in carrying out said purposes," refer the same back to the House with the recommendation that it be concurred in."

SELWAY, Chairman.
HAYES,
HEWETT,
CONE."

Wilson moved to adopt report.

Motion lost; Ayes 23; Noes, 33.

On motion by Kennedy, further consideration of Senate Bill No. 25 was indefinitely postponed.

By Brewster:

"Helena, Montana, Feb. 16, 1905.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, to whom was referred House Bill No. 213, A Bill for "An Act to Provide for the Gathering and Sale of Unknown Strays upon the Public Domain," beg to recommend that said Bill be amended by inserting in Section 1, line 14, after the words "county seat," the following: "or some other place designated by the Stock Inspector;" also, by adding to Section 1, the following paragraphs:

"Notice of such sale to be given by the Stock Commissioner by advertising in one issue of a newspaper published in the county."

Also, "If after such sale, the original owner be found and lay claim and proves his ownership to such animal or animals thus sold, the gross proceeds of such sale shall be forthwith returned to such original owner."

We recommend that said bill, as amended, do pass."

On motion by Brewster, report was adopted.

House Bill No. 213, with amendments, was referred to Committee on Printing.

Also by Brewster:

"Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 148, beg leave to recommend a substitute for the same, and recommend that same do pass."

On motion by Brewster, report was adopted.

Substitute for House Bill No. 148 was referred to Committee on Printing.

Also by Brewster:

"Mr. Speaker:

Your Committee on Live Stock and Public Ranges, to whom was referred Senate Bill No. 13, A Bill for "An Act to amend Section 3001, of the Political Code of Montana, relating to the Duties and Powers of the State Veterinary Surgeon," beg leave to report the same back to the House with the recommendation that it be concurred in."

On motion by Brewster, report was adopted.

Senate Bill No. 13 was referred to General Orders.

By Starz:

"Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 67, introduced by Reel, "A Bill for an Act providing for the disposal of poisonous chemicals used in mining, milling or other manufacturing operations and for fixing the penalty therefor," having had same under consideration, report back to the House with the recommendation that it do pass."

On motion by Bennett, report was adopted.

House Bill No. 67 was referred to Committee on Printing.

Also by Starz:

"Mr. Speaker:

Your Committee on Sanitary Affairs, to which was referred House Bill No. 184, introduced by Richardson, "A Bill for an Act to regulate the practice of Barbering and licensing of persons to carry on such practice and providing punishment for its violation," having had same under consideration, report back to the House with the recommendation that it be printed."

On motion by Starz, report was adopted.

House Bill No. 184 was referred to Committee on Printing.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 231, A Bill for an Act to provide for the Construction and Maintenance of drains, and the assessment and collection of taxes therefor," beg to report same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Bill No. 231 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 238, "A Bill for an Act to amend Section 1831, Chapter V, Title XIV of the Code of Civil Procedure of Montana, and providing for service of notices and other papers," beg to report same back to the House with the recommendation that it do pass."

On motion by Wyman, report was adopted.

House Bill No. 238 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House

Bill No. 237, "A Bill for an Act to amend Section 690, Chapter IV, Title VI, of the Code of Civil Procedure of Montana, and providing for the contents of answers in civil actions," beg to report same back to the House with the recommendation that the same do pass."

On motion by Ross, report was adopted.

House Bill No. 237 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 229, A Bill for an Act entitled, "An Act amending Section 3895, Part III, Title X, of the Political Code of the State of Montana, relating to Notice of Application for Tax Deeds," beg to report same back to the House with the recommendation that it do pass as amended:

Strike out all of Lines 23, 24, 25, 26, 27 and 28 of Section 3895."

On motion by Lannin, report was adopted.

House Bill No. 229, as amended, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 224, A Bill for "An Act to amend Chapter VI, Title IX, Part I, of the Penal Code of the State of Montana, by adding thereto Sections numbered 543, 544, 545, providing for the further regulation of places where intoxicating liquors are sold," beg to report same back to the House with the recommendation that it do pass as amended:

Amend Section 543 by striking out all after the word "misdemeanor" in line 10; also amend Section 544 by striking out all after the word "misdemeanor" in line 4; also amend Section 545 by striking out all after the word "misdemeanor" in line 5."

On motion by Ross, report was adopted.

House Bill No. 224, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 214, A Bill for an Act entitled, "An Act permitting sole corporations to file amended articles of incorporation, and defining their Powers," beg to report same back to the House with the recommendation that the same do pass."

On motion by Hewett, report was adopted.

House Bill No. 214 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 41, A Bill for an Act entitled, "An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of Intoxicating Beverages on the line of any Railroad grade, Logging-camp, Sawmill, Sheep-shearing camp, Irrigation Ditch or Canal in the course of construction," beg leave to report same back to the House with the recommendation that it be concurred in."

On motion by Hewett, report was adopted.

Senate Bill No. 41 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 246, A Bill for "An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana," beg to report same back to the House with the recommendation that it do pass."

On motion by Sanden, report was adopted.

House Bill No. 246 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 226, A Bill for "An Act to amend Section 4247, Article III, Title II, Part

IV of the Political Code of the State of Montana, relating to the use of money set apart in a fund known as the "Bond Fund," beg to report same back to the House with the recommendation that it be printed and placed on General Orders."

On motion by Wyman, report was adopted.

House Bill No. 226 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 235, A Bill for An Act entitled "An Act to make legal and valid certain Special Improvement District Warrants issued by the City of Havre, Chouteau County, Montana, by virtue of an Act to the Legislative Assembly of the State of Montana, entitled 'An Act relating to Public Improvements in Cities and Towns, etc.,' approved March 8th, 1897, in payment for the construction of a Sanitary Sewer in the said City of Havre," beg to report same back to the House with the recommendation that it do pass."

On motion by Brigham, report was adopted.

House Bill No. 235 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 190, A Bill for an act entitled "An Act authorizing the Sheriff of any County and the Chief of Police of any City, or incorporated town to take photographs of any person arrested for crime," beg to report same back to the House with the recommendation that it do pass as amended:

That Section 1 be amended by striking out the word "crime" in line 3 of said Section and inserting in lieu thereof the word "felony." "

On motion by Wyman, report was adopted.

House Bill No. 190, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 112, A Bill for an Act to amend Section 4050 of Article I, Chapter XIII, Title X, Part III, of the Political Code of Montana, relating to Distribution of Moneys collected for licenses," beg to report same back to the House with the recommendation that it do pass."

On motion by Cone, report was adopted.

House Bill No. 112 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 186, A Bill for an Act entitled, "An Act relating to bonds issued by foreign surety companies, authorized to do business in this State," beg to report back to the House that we have prepared a Substitute for House Bill No. 186, "A Bill for an Act entitled, "An Act to amend Sections 443 and 4367 of the Political Code of the State of Montana, Relating to Bonds of State and County Treasurers," and recommend that the Substitute do pass."

On motion by Brigham, report was adopted.

Substitute for House Bill No. 186, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 19, "A Bill for an Act to amend Section 2970, Title I, Part IV, of the Penal Code of the State of Montana relating to compensation of Sheriffs for transportation of prisoners and Insane Persons," beg leave to report back to the House that substitute for Senate Bill No. 19, as prepared by your Committee on Judiciary, "A Bill for an Act to amend Section 4604 of the Political Code of Montana, relating to compensation of Sheriffs, and to repeal Section 2977 of the Penal Code of Montana," be substituted for said Senate Bill No. 19, and that said substitute do pass."

On motion by Sanden, report was adopted.

Substitute for Senate Bill No. 19 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 228, A Bill for "An Act Concerning the Sale of Shares of Stock in Mining and Oil Corporations," beg to report same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Bill No. 228 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 227, A Bill for an Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to Limitations of Actions," beg leave to report same back to the House with the recommendation that it do pass as amended:

Amend Section 1 by striking out all after the word "limitation" in line 6 of said Section 1, and inserting in lieu thereof the following: "provided, however, that any action to obtain, set aside or question in any manner any stated or settled account, between any Bank, Banker, Trust Company or Savings and Loan Corporation, Association or Society, and any depositor or depositors with such Bank, Banker, Trust Company or Savings and Loan Corporation, Association or Society must be commenced within five years from the date of the statement of such account."

On motion by Bennett, report was adopted.

House Bill No. 227, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 234, A Bill for an Act amending Section 506 of the Political Code of the State of Montana, and for the purpose of establishing a definition of what constitutes the practice of medicine in the State of Montana," beg to report same back to the House with the recommendation that it do pass as amended:

Amend Line 24 of Section 1 by striking out the words "the existing" and inserting in lieu thereof the word "any."

On motion by Blake, report was adopted.

House Bill No. 234, with amendment, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We your Committee on Judiciary, having had under consideration Senate Bill No. 43, A Bill for an Act entitled, "An Act to amend Section 373, Title IV, Part I, of the Code of Civil Procedure of Montana, by increasing the duties of Stenographers of District Courts," beg to report same back to the House with the recommendation that it be not concurred in."

On motion by Hewett, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 239, A Bill for an Act entitled, "An Act to repeal Section 1318 of the Political Code relating to Elections," beg to report same back to the House with the recommendation that it do pass."

On motion by Hewett, report was adopted.

House Bill No. 239 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 211, A Bill for an Act "To Amend Section 1506, Chapter III, Title IX, Part II of the Code of Civil Procedure of the State of Montana, relating to the Service of Summons in Justice's Courts," beg leave to report same back to the House with the recommendation that the same do pass."

On motion by Hewett, report was adopted.

House Bill No. 211 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 15, A Bill for an Act to repeal Section 4064 of the Political Code of the State of Montana, relating to Licenses," and House Bill No. 104, A Bill for an Act to repeal Section 4072 of the Political Code of the State of Montana, relating to Licenses on Professional Men," beg to report back to the House that we have prepared a Substitute for said House Bills Nos. 15 and 104, a Bill for "An Act to amend Section 4062 of the Political Code of Montana as amended by Chapter CXVII of the Laws of 1903, Section 4064 of the Political Code of Montana as amended by House Bill No. 80, approved March 4th, 1901, Section 4065 of the Political Code of Montana as amended by House Bill No. 162, of the laws of 1897, Section 4068 of the Political Code of Montana, as amended by House Bill No. 162 approved March 6th, 1897, relating to licenses, and repealing Sections 4060, 4061, 4070, 4072, 4073, of the Political Code of Montana, Section 4074 of the Political Code of Montana as amended by Chapter LVII of the Laws of 1903, Section 4075 of the Political Code of Montana as amended by House Bill No. 162 approved March 6th, 1897, Sections 4076, 4078, 4080 of the Political Code of Montana, relating to Licenses," and recommend that said Substitute Bill do pass."

On motion by Sanden, report was adopted.

Substitute for House Bills Nos. 15 and 104 were referred to Committee on Printing.

Also:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 253, Introduced by Shannon, entitled, "An Act to amend Sections No. 4740 and Section No. 4748 of the Political Code of the State of Montana, relating to officers and election of officers in cities having a population of eighteen thousand or over," beg leave to report same back to the House with a recommendation that the same do pass.

MULRONEY, Chairman.
T. J. WALKER,
T. JOHNSTON,
BERRY,
F. P. LEIPER,
O. P. BRIGHAM,
J. SEWELL,
COLEMAN."

On motion by Hewett, report was adopted.

House Bill No. 253 was referred to Committee on Printing.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 16th, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Bill No. 55, "An Act to amend Section 541 of the Penal Code of the State of Montana, relating to the sale of intoxicating liquors."

Also House Joint Resolution No. 4, "relating to the action of the Government of the United State in extending aid and co-operation in the reclamation of the arid lands of this State."

J. K. TOOLE, Governor."

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Ways and Means: H. B. No. 254, A bill for an Act entitled "An Act regulating the issuance of licenses for the sale of intoxicating liquors outside the limits of incorporated cities and towns."

By Committee on Ways and Means: H. B. No. 255, A Bill for an Act entitled "An Act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Mon-

tana," approved March 6th, 1897, as the same is now in force after an amendment by an Act entitled "An Act to amend Section 4063 and 4064 of the Political Code of the State of Montana," approved March 6th, 1901, relating to Licenses."

By MacGinnis: H. B. No. 256, A Bill for an Act entitled "An Act providing for the selection of candidates for elections, by popular vote and relating to elections."

Richardson requested unanimous consent that he be allowed to introduce a Bill without having given previous notice.

MacGinnis raised objection.

READING OF SENATE BILLS.

On motion by Lannin, all Bills, except Appropriation Bills, were read first and second times by title only.

Substitute for Senate Bill No. 15, read first and second times, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 38, read first and second times, and referred to Committee on State Boards and Officers.

S. B. No. 39, read first and second times, and referred to Committee on Judiciary.

S. B. No. 50, read first and second times and referred to Committee on Judiciary.

S. B. No. 54, read first and second times, and referred to Committee on Judiciary.

S. B. No. 55, read first and second times, and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 59, read first and second times, and referred to Committee on Judiciary.

S. B. No. 60, read first and second times, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 254, read first and second times, and referred to Committee on Printing.

H. B. No. 255, read first and second times, and referred to Committee on Printing.

H. B. No. 256, read first and second times, and referred to Committee on Privileges and Elections.

INTRODUCTION OF BILLS.

Mumbrue asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

The following Bill was introduced and placed on file:

By Mumbrue: H. B. No. 257, A Bill for an Act to amend Section 16 of House Bill No. 147, passed by the Seventh Legislative Assembly entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 313, and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, deputy Game and Fish Wardens and special Deputy game and fish wardens and defining their powers and duties and providing for their compensation," approved March 18th, 1901, and providing for the sale of birds, animals, fish, hides, and heads seized by the State Game and Fish Warden or any special deputy game or fish warden or any sheriff or any deputy sheriff or constable.

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 257, read first and second times, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Helena, Montana, Feb. 16th, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos.

143, 127, 101, 192, 157, 175, 158, 129, 189, 149, 204, 39, 201, 202, 203, 118, 167, and 144 as correctly engrossed."

Report received and House Bills Nos. 143, 127, 101, 192, 157, 107, 175, 158, 129, 189, 149, 204, 39, 201, 202, 203, 118, 167 and 144 were placed on file for third reading.

By Mulroney:

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 112, A Bill for an Act to amend Section 4050 of Article I, Chapter XIII, Title X, Part III, of the Political Code of Montana, relating to Distribution of Moneys collected for Licenses," and having previously this afternoon reported said Bill, desire to make a further report to the House and recommend that the same do pass as amended:

Amend Section 1 by striking out the word "fifty" in line 5 thereof and insert in lieu thereof the words "thirty-five."

Amend Section 1 by striking out the figures "(50¢)" in Line 6.

Amend Section 1 by striking out the word "fifty" in line 6 and inserting in lieu thereof the words "sixty-five."

Amend Section 1 by striking out the figures "(50¢)" in line 7 thereof."

On motion by Ross, report was adopted.

House Bill No. 112, with amendments, was referred to Committee on Printing.

NOTICES OF BILLS.

The following notice was given:

By Richardson: A Bill for an Act entitled, An Act to re-enact Section 180 of the Code of Civil Procedure, relating to the disqualification of Judges, and to repeal all Acts in conflict and inconsistent with the provisions of this Act, and to repeal all amendments to said Section 180 of the Code of Civil Procedure."

THIRD READING OF HOUSE BILLS.

Johnston moved that the third reading of House Bill No. 27 be deferred until Tuesday, February 21st, 1905. Motion carried.

On motion by Lanstrum, the rules were suspended, and all Bills, except Appropriation Bills, were placed upon their final passage after being read by title and history only.

House Bill No. 101, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—Bennett and Metcalf—2.

Absent and not voting—Bembrick, Carriher, Coleman, English, Mumbrue, Murray, Macdonald, Roll and Selway—9.

Title agreed to.

House Bill No. 144, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Cone, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Bembrick, Carriher, Coleman, Decker, English, Murray, Macdonald, O'Brien, Quigley, Roll and Selway—11.

Title agreed to.

House Bill No. 167, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Bembrick, Carriher, Coleman, Forsythe, Richardson, Roach, Roll, Selway, and Teskey—9.

Title agreed to.

House Bill No. 118, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Ross, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Wilson, and Mr. Speaker—36.

Noes—Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, O'Brien, O'Connor, Macdonald, Quigley, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Williams, Wood and Wyman—30.

Paired—Carriher, Reel, Roach and Selway—4.

Absent and not voting—Bembrick and Roll—2.

Title agreed to.

House Bill No. 203, having been read three several times, was passed by the following vote:

Ayes—Blake, Blankenship, Brewster, Brigham, Burt, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Williams, Wilson, Wood, Wyman and Mr. Speaker—48.

Noes—Buck and Christian—2.

Absent and not voting—Bennett, Berry, Bembrick, Canoll, Carriher, Coleman, English, Huntington, Lanstrum, Linderman, Murray, Murphy, Macdonald, Reel, Roll, Selway, Shannon, Starz, Sykes, Vandyck, Walker and Wiedeman—22.

Title agreed to.

House Bill No. 202, having been read three several times, was passed by the following vote

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Decker, Dempster, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wood, Wyman and Mr. Speaker—50.

Noes—None.

Absent and not voting—Bennett, Bembrick, Carriher, Coleman, Collier, Cone, English, Everett, Johnston, Lanstrum, Linderman, Murray, Murphy, MacGinnis, Macdonald, Roll, Selway, Sullivan of Lewis and Clarke, Walker, Wiedeman, Williams and Wilson—22.

Title agreed to.

House Bill No. 201, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Everett, Fairbanks, Forsythe, Geyman, English, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Metcalf, Mumbrue, MacGinnis, Macdonald, O'Connor, Potter, Quigley, Reel, Richardson, Roach, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—52.

Noes—None.

Absent and not voting—Bennett, Bembrick, Carriher, Cone, Dempster, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murray, Murphy, O'Brien, Patten, Roll, Ross, Schoonover, Selway, Walker and Wilson—20.

Title agreed to.

House Bill No. 39, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien O'Connor, Potter, Reel, Richardson, Roach, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—58.

Noes—Quigley—1.

Absent and not voting—Bembrick, Carriher, Cone, English, Hilman, Leiper, Mulroney, Murphy, Patten, Roll, Ross, Schoonover and Selway—13

Title agreed to.

House Bill No. 204, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Coleman, Collier, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Bennett, Bembrick, Canoll, Carriher, Cone, Decker, Everett, Leiper, Schoonover, Selway, Shannon and Vandyck—12.

Title agreed to.

House Bill No. 149, having been read three several times, was passed by the following vote.

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Decker, English, Fairbanks, Forsythe, Geyman, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—None.

Absent and not voting—Berry, Bembrick, Burt, Carriher, Cone, Dempster, Everett, Hayes, Leiper, Murray, Murphy, Potter, Roll, Schoonover, Selway and Shannon—16.

Title agreed to.

House Bill No. 189, having been read three several times, was passed by the following vote:

Ayes—Bennett, Blake, Blankenship, Buck, Canoll, Christian, Collier, Decker, Forsythe, Geyman, Harrington, Hewett, Huntington, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, Mac-

Ginnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—46.

Noes—Berry, Brigham, English, Everett, Fairbanks, Hayes, Hilman, Johnston, Quigley, Shannon, Sullivan of Jefferson, Teskey, Vandyck and Williams—14.

Absent and not voting—Bembrick, Brewster, Burt, Carriher, Coleman, Cone, Dempster, Leiper, Mumbrue, Roll, Schoonover and Selway—12.

Title agreed to.

On motion by Hewett, the House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 154.

Berry in the Chair.

House resumed.

Mr. Speaker in the Chair.

Berry, from the Committee of the Whole, reported as follows

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 154, introduced by Murray, A Bill for "An Act for the submitting to the qualified electors of the State of Montana, Amendments to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation", reports same back to the House with the recommendation that the enacting clause be stricken out."

Lanstrum moved that the report of the Committee of the Whole be laid on the table.

Substitute motion by Johnston, that the report of the Committee of the Whole be adopted.

Substitute motion carried by the following vote:

Ayes—Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Hewett. Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—34.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—32.

Paired—Carriher, Reel, Roach and Selway—4.

Absent and not voting—Roll and Bembrick—2.

MacGinnis moved that the House take a recess of ten minutes in order that the conference committee appointed yesterday might report a Substitute for House Bill No. 154.

Substitute motion, by Lanstrum, that the House adjourn until 2 P. M. tomorrow.

Substitute motion lost: Ayes, 32; Noes, 34.

Bennett moved, as an amendment to the original motion, that the House now refer to third reading of Bills.

Lannin raised the point of order that the Bennett amendment was out of order at this time.

Mr. Speaker sustained the point of order.

On a rising vote, the original motion, by MacGinnis, carried: Ayes, 34; Noes, 32.

Lanstrum moved, duly seconded, for a roll call on the original motion.

Roll call granted by Mr. Speaker.

Mr. Speaker ruled that, as this was not a party measure, those members who were paired would be allowed to vote.

Original motion lost by the following vote:

Ayes—Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis. Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—34.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linder-

man, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Sales, Sanders, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—34.

Absent and not voting—Bembrick, Carriher, Roll and Selway—4.

Everett moved that the House adjourn until 1:30 P. M. tomorrow.

Substitute motion by Blankenship, that the House adjourn until 10 A. M. tomorrow.

Leiper moved, as an amendment to the Substitute, that the House adjourn until 2 P. M. tomorrow.

Amendment carried: Ayes, 42; noes, 2.

The House adjourned at 5:30 P. M.

.....

Speaker.

.....

Chief Clerk.

FORTY-EIGHTH DAY

Saturday, February 18th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Rev. C. W. Tenny, of Wesleyan University.

Roll called. All present except Blake, Bembrick, Blankenship, Christian, Forsythe, Geyman, Metcalf, Macdonald, Roll, Sanden, Schoonover, Selway, Sewell, Wiedeman, Williams, Wilson and Wood.

Mr. Speaker excused Blake, Blankenship and Macdonald.

REPORT OF SELECT COMMITTEES.

The following report was given:

"Mr. Speaker:

Your Committee on House Journal, beg leave to report having read and examined Journal of Friday, February 17th, and believe same to be correct.

BREWSTER,
O'CONNOR."

On motion by O'Connor, report was adopted.

COMMUNICATIONS AND PETITIONS.

Numerous protests were received from various Fraternal Orders of the State, against the passage of a measure taxing Fraternal Beneficiary Societies or placing them under State Control. Referred to Committee on Insurance.

"Helena, Montana, Feb. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second times:

Senate Bill No. 79, by Waite: A Bill for an Act entitled, "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such Act in any County and to amend Section 1206 of the Political Code as amended by the laws of 1899 and 1260 of the Political Code."

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and passed and are herewith transmitted to the House for its concurrence: Senate Bills Nos. 33, 46, 30, 51, and 56; also that the following Bills were read a third time and concurred in and are herewith returned to the House: House Bills Nos. 105, 114, 37, 44 and House Joint Resolution No. 2.

Respectfully,

C. E. WIGHT, Secretary."

House Bills Nos. 105, 114, 37, 44 and House Joint Resolution No. 2 were referred to Committee on Enrollment.

"Helena, Montana, Feb. 17th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Notices of Introduction of Bills were today given as follows:

By Martien: A Bill relating to the appointment of a State Coal Mine Inspector and fixing his compensation and duties.

By Donlan: A Bill for an Act to permit foreign Surety Companies to do business in the State of Montana.

By Brennen: A Bill to provide for the use of voting machines, to regulate the conduct of elections where such machines are used and to provide for a State Board of Voting Machine Commissioners to test and provide such machines.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 18th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was read first and second time

Senate Bill No. 80 by Martien: (By request.) A Bill for an Act entitled "An Act to amend Section 2 of Senate Bill 106, Session Laws of 1901, entitled An Act creating the Office of Inspector of Coal Mines, defining his duties and providing his salary and providing penalties thereof."

Respectfully,

C. E. WIGHT, Secretary.
By J. A. S."

Also:

"Helena, Montana, Feb. 18th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a notice of the introduction of the following Bill was today received:

By Martien: A Bill providing for State Inspector of Oils for the State of Montana.

Respectfully,

C. E. WIGHT, Secretary.
By J. A. S."

Also:

"Helena, Montana, Feb. 18th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and passed and are herewith transmitted to the House for its concurrence: Senate Bills Nos. 8, 47 and 48; also that the following Bills were read third time and concurred in and are herewith returned to the House: House Substitute for Senate Bill No. 2 and House Bill No. 4, Substitute for House Bill No. 19, House Bills 82, 159, 160, 162, 163, 165, 166, 179, 180, 181 and 198.

Respectfully,

C. E. WIGHT, Secretary.
By J. A. S."

House Substitute for Senate Bill No. 2 and House Bill No. 4, Substitute for House Bill No. 19, and House Bills Nos. 82, 159, 160, 162, 163, 165, 166, 179, 180, 181 and 198, were referred to Committee on Enrollment.

Protests were received from various Typographical Unions, against the passage of House Bill No. 225. Placed on file.

The following pairs were announced:

"Helena, Montana, Feb. 17th, 1905.

We, the undersigned, agree to pair on all Party questions until Monday night, February 20th.

E. V. BLANKENSHIP,
B. O. FORSYTHE."

"Helena, Feb. 18, 1905.

Mr. Speaker:

We, the undersigned, have paired on all measures until Tuesday, February 21st, 1905.

W. H. WILLIAMS,
J. S. SCHOONOVER."

"Helena, Montana, Feb. 17th, 1905.

Mr. Speaker:

The undersigned desire to pair on all party measures for Saturday, February 18th, and Monday, February 20th, 1905.

GEYMAN,
METCALF."

"Helena, Montana, Feb. 17th, 1905.

We, the undersigned, hereby agree to pair on all party measures until Monday night, February 20, 1905.

W. O. REEL,
E. O. SELWAY."

"Helena, Montana, Feb. 16, 1905.

Mr. Speaker:

We, the undersigned members, have agreed to pair on all party measures until February 21, 1905.

Signed,
CARRIHER,
ROACH."

NOTICES OF BILLS.

The following notice was given:

By Kennedy: A Bill for an Act concerning the resignations of Trustees or Directors of Corporations.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Mulroney:

"Mr. Speaker:

We, your Special Conference Committee, appointed by the House on February 16th, to consider and report to the House a compromise Initiative and Referendum measure, having had the same under careful consideration beg to report back to the House that we have unanimously agreed on the compromise bill hereto attached.

We recommend that said compromise bill be referred to the Judiciary Committee, and that said Committee be instructed to consider and report said bill back to the House not later than Monday, February 20th, 1905."

Johnston moved to adopt the report.

Lanstrum moved, as a substitute, that the rules be suspended and that the Conference Committee be allowed to introduce the bill, referred to in the report. Ayes, 34; Noes, 18.

Mr. Speaker ruled motion carried.

Compromise Bill was referred to Committee on Judiciary.

By Wilson:

"Helena, Montana, Feb. 16th, 1905.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 171 and Substitute for House Bill No. 138 as correctly engrossed."

Report received and House Bill No. 171 and Substitute for House Bill No. 138 were placed on file for third reading.

Also by Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 131 and Substitute for House Bill No. 41 as correctly engrossed."

Report received and House Bill No. 131 and Substitute for House Bill No. 41 were placed on file for third reading.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 220, 191, 219, 170, and 187 have been returned correctly printed and are ready for General Orders.

Report received and House Bills Nos. 220, 191, 219, 170 and 187 were placed on General Orders.

Also by Linderman:

"Helena, Montana, Feb. 17th, 1905.

Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 205, 222, and 141 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 205, 222 and 141 were placed on General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 217, A Bill for an Act entitled, "An Act to amend Section 1912 of the Political Code of the State of Montana, as amended by Substitute for Senate Bill No. 81, approved March 4th, 1897, and relating to the issuance of certificates to teach in the public schools of Montana," beg to report same back to the House with the recommendation that it do pass as amended:

Amend Section 1 by striking out the word "as" after the word "more" in Line 4 of Page 2, and inserting in lieu thereof the word "the."

Also amend Section 1 by inserting after the word "engaged" in line 3 of page 2, the words "in teaching".

On motion by Wyman, report was adopted.

House Bill No. 217, with amendments, referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 245, A Bill for an Act to amend Section 1925 (b), Part III, Title III, of the Political Code of the State of Montana, and to provide that when a complaint charging that a child is a juvenile disorderly person within the meaning of an Act entitled "An Act to amend Section 1920, 1921, 1923, 1924, and 1925, Part III, Title III, of the Political Code of the State of Montana and to provide for the compulsory education of all children between the ages of eight and sixteen years, to establish Industrial Schools, equip and conduct the same and to provide for the regulation of juvenile disorderly persons", passed at the eighth regular session of the Legislative Assembly of the State of Montana, and approved March 3rd, 1903, is made before any Mayor, Justice of the Peace or Police Judge, it shall be certified by such Magistrate to the District Court in and for the County in which the child resides or to a Judge of said District Court and that said District Court or the Judge thereof to whom such complaint is certified shall have authority to hear such complaint and order that the child be committed to the industrial school provided for in said Act," beg to report same back to the House with the recommendation that it do pass as amended.

Amend Section 1 by inserting the word figures and letter "Section 1925 (b)" at the beginning of Line 4 thereof, before the word "If".

On motion by O'Brien, report was adopted.

House Bill No. 245, with amendments, was reefrred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 106, A Bill for "An Act to provide for the payment of the actual, necessary expenses of Judges of the District Court when holding court in any County not the County of residence of such Judge," beg to reports same back to the House with the recommendation that it do pass as amended:

Amend the Title by inserting after the words "holding court", in line 2 thereof, the words "in his district".

Also amend Section 1 by inserting after the words "holding court" in Line 2, the words "in his district"."

On motion by Ross, report was adopted.

House Bill No. 106, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 250, A Bill for an Act entitled, "An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to licenses of peddlers, hawkers, and traveling merchants", beg to report same back to the House with the recommendation that it be indefinitely postponed."

On motion by O'Connor, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 240, A Bill for an Act entitled, "An Act providing for the mileage of State and County Officers, and other persons who travel at the Public Expense", beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Cone, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 210, A Bill for an Act providing that all Mortgages executed in the name of, or assigned or transferred to a Non-Resident, for the purpose of evading the payment of taxes thereon shall be void", beg to report same back to the House with the recommendation that it do not pass."

On motion by Hewett, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 230, A Bill for an Act entitled, "An Act to amend Section 1198 of the Penal Code of the State of Montana, Relating to Nuisances", beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Shannon, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 60, A Bill for an Act entitled, "An Act to amend Section 4240 of the Political Code relative to the authority of County Commissioners to issue Bonds on the Credit of the County", beg to report same back to the House with the recommendation that it be concurred in."

On motion by Ross, report was adopted.

Senate Bill No. 60 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 59, A Bill for an Act entitled, "An Act to amend Section 4230 of the Political Code relative to the jurisdiction and power of County Commissioners, by adding an additional sub-division thereto", beg to report same back to the House with the recommendation that it be concurred in."

On motion by Dempster, report was adopted.

Senate Bill No. 59 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 50, A Bill for an Act entitled, "An Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as amended by an Act approved

March 11, 1901, entitled "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional judge for the Second Judicial District of the State of Montana", providing for the number of judges of the several district courts of the State of Montana," beg to report same back to the House with the recommendation that it be concurred in, as amended:

Amend Section 3 by striking out all after the word "the" in Line 2 of Section 3, and inserting in lieu thereof the following words: "First Monday of January, 1909"."

On motion by Hewett, report was adopted.

Senate Bill No. 50, with amendment, was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 39, A Bill for an Act entitled, "An Act amending Title XII, of Chapter XIV, Part III, Article III, of the Code of Civil Procedure of the State of Montana, relating to the Powers and Duties of guardians by adding two sections thereto, to be known as Section 2989 and 2990," beg to report same back to the House with the recommendation that the same be concurred in as amended:

Amend the last line of Subdivision 2 of Section 2990 by striking out the word "to" after the word "order" and inserting in lieu thereof the word "shall."

On motion by Sales, report was adopted.

Senate Bill No. 39, as amended, was placed on General Orders.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 256, introduced by the Hon. John MacGinnis of Silver Bow County, A Bill for an Act entitled, "An Act providing for the selection of candidates for elections, by popular vote and relating to elections", beg leave to report the same back to the House with the recommendation that it do pass.

F. P. LEIPER,
EVERETT,
C. LANNIN,
ANGUS TESKEY,
BLAKE,
EMIL STARZ,
MULRONEY,
C. L. MURRAY."

On motion by Dempster, report was adopted.

House Bill No. 256 was referred to Committee on Printing.

By Brewster:

"Mr. Speaker:

Your Committee on Live Stock and Public Ranges, to whom was referred Substitute for Senate Bill No. 15, A Bill for an Act entitled, "An Act to Foster, Develop, Protect, and Promote the Sheep Industry of the State of Montana, and to appoint a Board of Sheep Commissioners, and appoint inspectors and deputy inspectors, and to define their duties and powers, and the duties and powers of State Venterinary Surgeon in connection therewith"; and to repeal an Act entitled, "An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties", Approved March 5th, 1897; and Section 3030 to Section 3046 inclusive, of the Political Code covering the same subject", beg leave to recommend that said bill be amended by striking out after the words "not exceeding", in Section 20, Line 4, the words "Six Dollars", and substituting the words "Eight Dollars" in lieu thereof.

We recommend that said bill, as amended, be concurred in."

On motion by Stevens, report was adopted.

Substitute for Senate Bill No. 15, as amended, was placed on General Orders

By Starz:

"Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration House

Bill No. 8, Introduced by W. W. Berry, A Bill for an Act entitled "An Act to provide for the registration of births and deaths, the enforcement thereof, and to repeal Sections 2871 to 2875, inclusive of the Political Code", report it back to the House with the recommendation that it do pass."

On motion by Starz, report was adopted.

House Bill No. 8 was referred to Committee on Printing.

By Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 209, introduced by Leiper, A Bill for an Act enttiled, "An Act appropriating money for the relief of M. A. Wellman, for Mileage and Per Diem while in attendance as a De Facto member of the House of Representatives," beg leave to report the same back to the House with the recommendation that it do pass."

On motion by Lannin, report was adopted.

House Bill No. 209 was referred to Committee on Printing.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 248, introduced by Leiper, A Bill for an Act entitled "An Act appropriating money for the reimbursement of Organized Water Users' Associations for fees paid the Secretary of State on filing Articles of Incorporation and issuance of certificate prior to the passage and approval of an Act entitled, "An Act providing that Water Users' Associations, organized in conformity with the requirement of the laws of the United States and the State of Montana for the furnishing of water only to its stockholders, shall be exempt from incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such articles and issuing certificate of incorporation", beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Murray, report was adopted.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 206, introduced by Sykes, A Bill for an act approving duplicate bounty certificates Nos. 146 and 222 in favor of Perry L. McCrea and appropriating money for the payment thereof", beg leave to report same back to the House with the recommendation that it do pass."

On motion by Murray, report was adopted.

House Bill No. 206 was referred to Committee on Printing.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill 188, introduced by Hewett, A Bill for an Act entitled. "An Act appropriating money for the payment of the claims of J. H. Calderhead and O. M. Holmes for expenses incurred and services rendered in the publication and distribution of 50,000 copies of the Extra Edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry", beg leave to report same back to the House with the recommendation that it do not pass."

On motion by Wilson, report was adopted.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 208, introduced by Leiper, A Bill for an Act entitled "An Act providing for the appropriating of money for the payment of certain claims incurred in election contest cases", beg leave to report same back, with the recommendation that it do pass."

On motion by O'Connor, report was adopted.

House Bill No. 208 was referred to Committee on Printing.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House

Bill No. 61, introduced by Selway, A Bill for an Act entitled "An Act providing for a Bureau of Immigration of the State of Montana, and define the duties thereof", beg leave to report same back to the House with recommendation that it do not pass."

On motion by O'Connor, report was adopted.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 178, introduced by MacGinnis, a Bill for an Act entitled An Act appropriating money for the erection and equipment of a Steam Heating Plant for the State School of Mines, at Butte, Montana, beg leave to report the same back to the House with the recommendation that it do not pass."

On motion by Leiper, report was adopted.

Also by Murray:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 185, introduced by Johnston, A Bill for an Act appropriating money for the payment of the claim of P. B. Moss, on account of reward paid by him for the apprehension and arrest of Samuel E. Grady and Orton O. Moshier, for the crime of murder, beg leave to report same back to the House with the recommendation that it do not pass."

On motion by O'Connor, report was adopted.

INTRODUCTION OF BILLS.

Sales asked unanimous consent to introduce a bill without having given previous notice. Granted.

Brewster asked for unanimous consent to introduce a bill without having given previous notice. Granted.

By Richardson: A Bill for an Act entitled, "An Act to re-enact Section 180 of the Code of Civil Procedure, relating to the disqualification of judges, and to repeal all acts in conflict and inconsistent with the provisions of this Act, and to repeal all amendments to said Section 180 of the Code of Civil Procedure."

Murray objected to the introduction of the bills and raised the question of the consideration of the bill.

MacGinnis requested a call of the House.

Roll was called and all members found present except Bembrick, Blake, Blankenship, Christian, Forsythe, Geyman, Hayes, Macdonald, Roll, Schoonover, Selway, Sewell, Wiedeman, Williams, Wilson and Wood.

On motion by Bennett, further proceedings under the Call of the House were dispensed with.

The question recurring on the consideration of the Richardson Bill, the Bill was voted down by the following vote:

Ayes—Bennett, Canoll, Carriher, English, Harrington, Lanstrum, Linderman, Richardson, Roach, Sanden, Stevens, and Sullivan of Lewis and Clarke—12.

Noes—Berry, Brewster, Brigham, Buck, Burt, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Ross, Sales, Sanders, Shannon, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wyman and Mr. Speaker—43.

The following Bills were introduced and placed on file:

By Special Conference Committee: H. B. No. 258. A Bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department and Providing for Direct Legislation."

By Committee on Mines and Mining: H. B. No. 259. A Bill for an Act entitled "An Act empowering the inspectors of Mines to design and enforce sanitary regulations in underground mines, and providing a penalty for the violation of the provisions thereof."

By Sales: H. B. No. 260. A Bill for an Act entitled "An Act amending Article XII, of Chapter II, Part III, of the Political Code, relating to Reports of State Officers."

By Committee on Appropriations: H. B. No. 261. A Bill for an Act entitled "An Act making appropriations for the Executive and Judicial Departments of the State Government, and Maintenance of State Institutions, for the fiscal years ending November 30, 1905, and November 30, 1906."

By Committtee on Appropriations: H. B. No. 262. A Bill for an Act entitled "An Act appropriating money for the payment of claims of certain persons for fees and expenses allowed by law for appraising cattle that were slaughtered by order of the State Veterinarian."

By Committee on Appropriations: H. B. No. 263. A Bill for an Act entitled "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of Diseased Animals under the provisions of Sections 3005 and 3006 of the Political Code."

By Committee on Appropriations: H. B. No. 264. A Bill for an Act entitled "An Act appropriating money for the payment of claims of D. J. Whaley and C. B. Tabor account services rendered the Eighth Legislative Assembly of the State of Montana."

By Committee on Appropriations: H. B. No. 265. A Bill for an Act appropriating money for the deficiency claims of the Public Printing for expenses incurred.

By Committee on Appropriations: H. B. No. 266. A Bill for an Act entitled "An Act appropriating money for the payment of claims of G. A. Pritchett and Nena Curry, account services rendered the Ninth Legislative Assembly of the State of Montana."

By Committee on Appropriations: H. B. No. 267. A Bill for an Act entitled "An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana."

By Committee on Appropriations: H. B. No. 268. A Bill for an Act entitled "An Act appropriating money for the payment of claims of Amelia Breidenbach for services rendered as stenographer to the office of Attorney General during the months of December, 1902, and January, 1903."

By Committee on Appropriations: H. B. No. 269. A Bill for an Act entitled "An Act for the appropriation of money to pay the bounty claims of certain persons."

By Committee on Live Stock and Public Ranges: H. B. No. 270. A Bill for an Act entitled "An Act to provide for a State Veterinary Surgeon and Deputies; and to define the powers and duties of each; and to provide for the eradication of disease in domestic Live Stock, their quarantine and sanitary inspection; and to repeal acts covering this subject; and provide penalties for violation of this Act or regulations prescribed herein."

Lanstrum asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

By Lanstrum: H. B. No. 271. A Bill for an Act entitled "An Act to provide for Cumulative Voting in the Election of Representatives in the Legislative Assembly of the State of Montana."

MOTIONS AND RESOLUTIONS.

Canoll moved that Substitute for House Bills Nos. 11, 43, 86 and 153 be placed on its final passage. Motion lost: Ayes, 13; Noes, 39.

REPORTS OF STANDING COMMITTEES.

Murray reported as follows:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 193, introduced by Mumbrue, A Bill for "An Act entitled An Act to promote co-operation of the State with the National Government and enable Montana to receive the full benefit of the National Irrigation Law, by providing for the creation of a Commission to prepare and report on a revised irrigation code, fixing number of members, method of appointment, duties and compensation and appropriating Five Hundred Dollars for necessary expenses of said Commission",

beg leave to report same back to the House with the recommendation that it do not pass."

Brewster moved to adopt report.

Substitute motion by Mumbrue, that House Bill No. 193 be ordered printed and placed on General Orders.

Substitute motion carried: Ayes, 22; Noes, 19.

Huose Bill No. 193 was referred to Committee on Printing.

READING OF HOUSE BILLS.

On motion by Wyman, the rules were suspended, and all Bills, except Appropriation Bills, were read first and second times by title only.

The following Bills were taken from the file:

S. B. No. 30, read first and second times, and referred to Committee on Judiciary.

S. B. No. 33, read first and second times, and referred to Committee on Fairs and Expositions.

S. B. No. 46, read first and second times, and referred to Committee on Judiciary.

S. B. No. 51, read first and second times, and referred to Committee on Insurance.

S. B. No. 56, read first and second times, and referred to Committee on Judiciary.

S. B. No. 8, read first and second times, and referred to Committee on Judiciary.

S. B. No. 47, read first and second times, and referred to Committee on Judiciary.

S. B. No. 48, read first and second times, and referred to Committee on Judiciary.

H. B. No. 258, read first and second times, and referred to Committee on Judiciary.

H. B. No. 259, read first and second times, and referred to Committee on Printing.

H. B. No. 260, read first and second times, and referred to Committee on Judiciary.

H. B. No. 261, read first and second times, and referred to Committee on Printing.

H. B. No. 262, read first and second times, and referred to Committee on Printing.

H. B. No. 263, read first and second times, and referred to Committee on Printing.

H. B. No. 264, read first and second times, and referred to Committee on Printing.

H. B. No. 265, read first and second times, and referred to Committee on Printing.

H. B. No. 266, read first and second times, and referred to Committee on Printing.

H. B. No. 267, read first and second times, and referred to Committee on Printing.

H. B. No. 268, read first and second times, and referred to Committee on Printing.

H. B. No. 269, read first and second times, and referred to Committee on Printing.

H. B. No. 270, read first and second times, and referred to Committee on Printing.

H. B. No. 271, read first and second times, and referred to Committee on Privileges and Elections.

INTRODUCTION OF BILLS.

Leiper asked for unanimous consent to introduce a Bill without having given previous notice. Granted.

By Leiper, by Request: H. B. No. 272. A Bill for an Act to create the office of Chaplain to the State Penitentiary.

READING OF HOUSE BILLS.

H. B. No. 272, read first and second times, and referred to Committee on State Institutions, Public Buildings and Grounds.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended, and all Bills, except Appropriation Bills, were read third time by title and history only.

House Bill No. 129, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Brewster, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Fairbanks, Geyman, Harrington, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, O'Brien, O'Connor, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker and Mr. Speaker—42.

Noes—None.

Absent and not voting—Bembrick, Blake, Blankenship, Buck, Christian, Cone, Decker, Dempster, English, Everett, Forsythe, Hayes, Hilman, Leiper, Meunier, Murray, MacGinnis, Macdonald, Patten, Potter, Quigley, Roll, Selway, Sewell, Starz, Wiedeman, Williams, Wilson, Wood and Wyman—30.

Title agreed to.

House Bill No. 158, having been read three several times, was passed by the following vote:

Ayes—Berry, Brewster, Buck, Burt, Carriher, Coleman, Collier, Cone, Dempster, Everett, Fairbanks, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Mulroney, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker and Mr. Speaker—44.

Noes—None.

Absent and not voting—Bennett, Bembrick, Blake, Blankenship, Brigham, Canoll, Christian, Decker, English, Forsythe, Geyman, Hayes, Metcalf, Meunier, Mumbrue, Macdonald, Patten, Quigley, Roll, Schoonover, Selway, Sewell, Starz, Wiedeman, Williams, Wilson, Wood and Wyman.—28.

Title agreed to.

House Bill No. 175, having been read three several times, was passed by the following vote:

Ayes—Berry, Canoll, Coleman, Collier, Dempster, Everett, Hewett, Hilman, Johnston, Kennedy, Mumbrue, MacGinnis, Reel, Richardson, Roach, Sanden, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wyman and Mr. Speaker—25.

Noes—Bennett, Buck, Bert, Carriher, Cone, Fairbanks, Huntington, Leiper, Linderman, Mulroney, Murray, Murphy, O'Brien, O'Connor, Ross—15.

Absent and not voting—Bembrick, Blake, Blankenship, Brewster, Brigham, Christian, Decker, English, Forsythe, Geyman, Harrington, Hayes, Lannin, Lanstrum, Metcalf, Meunier, Macdonald, Patten, Potter, Quigley, Roll, Sales, Sanders, Schoonover, Selway, Sewell, Starz, Sykes, Wiedeman, Williams, Wilson and Wood —32.

Title agreed to.

House Bill No. 107, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Brewster, Brigham, Buck, Canoll, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Harrington, Hewett, Milman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Meunier, Mumbrue, Murray, Murphy, O'Brien, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wyman and Mr. Speaker.—43.

Noes—Huntington and O'Connor—2.

Absent and not voting—Bembrick, Blake, Blankenship, Burt, Carriher, Christian, English, Forsythe, Geyman, Hayes, Linderman, Metcalf, Mulroney, Mac-

Ginnis, Macdonald, Patten, Roll, Sanders, Schoonover, Selway, Sewell, Shannon, Sykes, Wiedeman, Williams, Wilson and Wood—27.

Title agreed to.

Kennedy asked for unanimous consent that, in the future, where bills are read by title and history, the history be omitted from the reading. There being no objection, request was granted.

House Bill No. 157, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Coleman, Collier, Cone, Dempster, Everett, Fairbanks, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murray, Murphy, O'Brien, O'Connor, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wood, Wyman and Mr. Speaker—48.

Noes—None.

Absent and not voting—Bembrick, Blake, Blankenship, Christian, Decker, English, Forsythe, Geyman, Metcalf, MacGinnis, Macdonald, Patten, Roll, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sykes, Walker, Wiedeman, Williams and Wilson—24.

Title agreed to.

House Bill No. 192 having been read three several times, was passed by the following vote:

Ayes—Berry, Brewster, Brigham, Buck, Burt, Canoll, Coleman, Collier, Cone, Dempster, English, Everett, Fairbanks, Harrington, Hewett, Hilman, Huntington, Johnston Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Starz, Stevens, Sullivan of Jefferson, Teskey, Vandyck, Wyman and Mr. Speaker—46.

Noes—None.

Absent and not voting—Bennett, Bembrick, Blake, Blankenship, Carriher, Christian, Decker, Forsythe, Geyman, Hayes, Metcalf, Macdonald, Patten, Roll, Sanders, Schoonover, Selway, Sewell, Shannon, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Williams, Wilson and Wood—26.

Title agreed to.

NOTICES OF BILLS.

The following notices were given:

By Mulroney: A Bill for an Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize or empower corporations to dispose of, or sell the whole or any part of their property and to protect the stockholders dissenting from such action.

By Mulroney: A Bill for an Act to appropriate money to the Montana State Horticultural Society.

INTRODUCTION OF BILLS.

Richardson requested unanimous consent to introduce a Bill without having given previous notice. Granted.

By Richardson: H. B. No. 273. A Bill for an Act entitled "An Act to compel Street Railway Companies to protect certain of their employees from inclemencies of the weatner."

READING OF HOUSE BILLS.

H. B. No. 273, read first and second times, and referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notice was given:

By Shannon: A Bill for an Act providing that each newly elected Legislative Assembly shall meet at the State Capitol, in December following the general elections, for a practice game, and to study the State Constitution and Parliamentary Law.

Bennett moved that the House adjourn until 2 P. M. Monday, February 20th, 1905.

Johnston moved, as an amendment, that the House adjourn until 10:30 A. M., Monday, February 20th, 1905.

Amendment lost; original motion carried.

The House adjourned at 4:40 P. M.

.....

Speaker.

.....

Chief Clerk.

FIFTIETH DAY

Monday, February 20th, 1905.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Prayer by the Reverend W. W. Love of St. Peter's Episcopal Church of Helena, Montana.

Roll called. All members present except Geyman, Murray, Selway and Williams.

Mr. Speaker excused Murray and Selway.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Saturday, February 18th, and believe same to be corerct."

On motion by Sanden, report was adopted.

COMMUNICATIONS AND PETITIONS.

Petitions were received from residents, taxpayers and voters of various Counties of the State, praying for the passage of House Bill No. 216. Placed on file.

NOTICES OF BILLS.

The following notices were given:

By Dempster: A Bill for an Act to provide for miners to go down in the mine on the Company's time, and to punish mining companies for the violation of the eight hour law, by working men more than eight hours.

By Berry: A Bill for an Act entitled An Act providing for the Licensing of Telegraphers in the State of Montana.

By Leiper: A Bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montnaa an amendment to Article 5, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for direct legislation."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Helena, Montana, Feb. 18th, 1905.

Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 220, 191, 219, 170 and 187 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 220, 191, 219, 170 and 187 were placed on General Orders.

Also by Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 172, 247, 252, 67, 242, 99, 98, and Substitute for House Bill No. 57 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 172, 247, 252, 67, 242, 99, 98, and Substitute for House Bill No. 57 were placed on General Orders.

"Mr. Speaker:

We, a majority of your Committee on Judiciary, to whom was referred

House Bill No. 258, A Bill for an Act entitled "An Act for the submitting to the qualified electors of the State of Montana an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for direct legislation," having had the same under consideration beg to report back to the House that the same do pass as amended:

Amend Section 1 by striking out the word "by" after the word "either" in line 2, on page 2 of said bill, and insert in lieu thereof the word "on".

Also amend Section 1 by inserting after the word "people" in line 23, on page 2 of said bill the following words: "by the legislative assembly."

Amend Line 8 of page 3 by striking out the figure "3" after the word "Section", and insert in lieu thereof the figure "2".

Amend line 15 by striking out the figure "4" after the word "Section", and insert in lieu thereof the figure "3".

MULRONEY,
Chairman.
T. J. WALKER,
CONE,
SEWELL,
W. W. BERRY,
W. M. JOHNSTON,
J. A. COLEMAN."

"Mr. Speaker:

We, a minority of your Committee on Judiciary, having had under consideration House Bill No. 258, A Bill for an Act entitled, "An Act for submitting to the qualified electors of the State of Montana, an amendment to Article 5, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for direct Legislation", beg leave to report as a substitute for said Bill, House Bill No. 154, as printed and commonly known as the Murray Bill.

F. P. LEIPER,
O. P. BRIGHAM."

Berry moved to adopt the Majority report.

Leiper moved, as a substitute motion, to adopt the Minority report.

Mr. Speaker ruled that the adoption of these reports was not a party measure, and that those who were paired would be allowed to vote.

Roll was called and the Substitute motion lost by the following vote:

Ayes—Bennett, Brewster, Brigham, Buck, Burt, Carriher, English, Everett, Forsythe, Hilman, Leiper, Mumbrue, Patten, Potter, Sales, Stevens, Sykes and Vandyck—18.

Noes—Berry, Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Cone, Dempster, Fairbanks, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman, Wood, Wyman and Mr. Speaker—44.

Original motion carried: Ayes, 40; Noes, 17.

House Bill No. 258, with amendments, as reported by the Majority of the Committee on Judiciary, was referred to the Committee on Printing.

By Buck:

"Mr. Speaker:

Your Committee on Fish and Game, to whom was referred House Bill No. 207, A Bill for "An Act to Require Paddle or Fish Wheels to be placed in all Ditches and Canals for the protection of the Fish", beg leave to report the same back to the House with the recommendation that it do not pass."

Buck moved to adopt the report.

Substitute motion by Walker, that report be amended to read "that it do pass."

Substitute motion lost: Ayes, 17; noes, 30.

Original Motion carried: Ayes, 32; noes, 9.

NOTICES OF BILLS.

The following notices were given:

By Walker: A Bill for an Act entitled "An Act making every person or corporation or company liable for causing the death of a person by wrongful act, neglect or default and providing for the distribution of the amount so recovered."

MESSAGE FROM THE GOVERNOR.

"Helena, Montana, Feb. 20, 1905.

To the House of Representatives of the Ninth Legislative Assembly of Montana:

Gentlemen: We have the honor to submit herewith, statement of claims in the sum of $4368.53, which shows:

A. The name of the person to whom the State is indebted,

B. The nature of such indebtedness,

C. The amount of such indebtedness,

D. The reason why such claim has not been paid.

Accompanying this statement are the bills presented to this Board in the nature of vouchers for the services rendered, or material furnished.

Yours respectfully,

THE STATE BOARD OF EXAMINERS.
By J. K. TOOLE, President.
ALBERT J. GALEN.
A. N. YODER, Secretary."

"BILLS REFERRED TO THE NINTH LEGISLATURE.

Account of Public Printing.

No.	Claimant.	Nature of Claim.	Amount.	Why not Paid.
1	Independent Pub. Co.	750 copies report Game and Fish Warden	$ 612.75	App. exhausted
2	"	1000 Vol. 5, Hist. Library	1726.50	"
3	"	500 Reports, Treasurer	68.00	"
4	"	600 Reports, Boiler Inspector.	66.00	"
5	"	500 Reports, Hist. Library	58.70	"
6	"	1500 Reports, Meat and Milk Inspection	153.10	"
7	"	300 Reports, Examiner	11.60	"
8	"	500 Reports, Bd. Equalization	155.96	"
9	"	500 Reports, Adj. General	16.24	"
10	"	250 Reports, Law Library	62.34	"
11	"	1000 Reports, Bureau C. & A. P.	36.35	"
12	"	1000 Reports, Coal Mine Inspector	291.50	"
13	"	500 Reports, Carey Land Act Board	85.15	"
14	"	150 Reports, Bureau A. L. & I.	776.72	"
15	"	1000 Reports, Board of Health	247.62	"
			$4368.53	

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bill as correctly enrolled this 20th day of February, 1905.

House Bill No. 85. An Act entitled "An Act to provide for the Extension of the Boundaries of any Incorporated City or Town so as to Embrace and Include Contiguous Platted Tracts or Parcels of Land, and repealing Section 4726 of the Political Code of Montana.

Also House Bill No. 44. An Act entitled An Act to Provide that the National Flag be unfurled, displayed and kept floating upon the State Capitol

Building, and to Authorize and Direct the Secretary of State to have erected a suitable Flag Staff and provide suitable Flags therefor, and to provide for the payment of the necessary expenses incident thereto.

Also House Joint Resolution No. 2. Providing for the Appointment of a Commission to Examine into and Report upon an Adequate Water Supply for the State Capitol and Grounds.

Also House Bill No. 114. An Act entitled, "An Act amending Section 1961 of the Political Code of the State of Montana, relating to Issuance of School Bonds."

Also House Bill No. 37. An Act entitled, "An Act appropriating money for Erecting and Equipping of additional Buildings for the State Orphans Home at Twin Bridges, Montana."

Also House Bill No. 105. An Act entitled, "An Act to amend Sections 552, 553 560, 563, 566 and 567 of Article 15, of Chapter 3, of Title 1, of Part 3, of the Political Code of the State of Montana, relating to the Inspection of Boilers, and to add thereto a new Section to be known and numbered Section 570."

Mr. Speaker announced: "Gentlemen of the House: You will please take notice that the Speaker is about to sign House Bill No. 85. An Act entitled, "An Act to provide for the Extension of the Boundaries of any Incorporated City or Town so as to Embrace and Include Contiguous Platted Tracts or Parcels of Land, and repealing Section 4726 of the Political Code of Montana."

Also, House Bill No. 105. An Act entitled An Act to amend Sections 552, 553, 560, 563, 566 and 567 of Article 15, of Chapter 3, of Title 1, of Part 3, of the Political Code of the State of Montana, relating to the Inspector of Boilers, and to add thereto a new Section to be known and numbered Section 570.

Also House Bill No. 37. An Act entitled An Act appropriating money for the erecting and equipping of additional Buildings for the State Orphans' Home at Twin Bridges, Montana.

Also House Bill No. 114. An Act entitled, "An Act amending Section 1961 of the Political Code of the State of Montana, relating to Issuance of School Bonds."

Also House Bill No. 44. An Act entitled An Act to provide that the National Flag be unfurled, displayed, and kept floating upon the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable Flag Staff and provide suitable Flags therefor, and to provide for the payment of the necessary expenses incident thereto.

Also House Joint Resolution No. 2. Providing for the appointment of a Commission to examine into and report upon an Adequate Water Supply for the State Capitol and Grounds."

Mumbrue reported as follows:

"Helena, Montana, Feb. 10, 1905.

Mr. Speaker:

Your Committee on Irrigation and Water Rights to whom was referred House Bill No. 193. A Bill for an Act entitled "An Act to promote co-operation of the state with the National Government and Enable Montana to Receive the full benefit of National Irrigation Law, by providing for the Creation of a Commission to prepare and report on a Revised Irrigation Code, Fixing Number of Members, Method of Appointment, Duties and Compensation and Appropriating Five Hundred Dollars for Necessary Expenses of said Commission", beg leave to report the same back to the House with the recommendation that it do pass:"

House Bill No. 193 was ordered printed and placed on general file under date of February 18th.

INTRODUCTION OF BILLS.

O'Connor requested unanimous consent to introduce a Bill without having given previous notice. Granted.

By O'Connor: H. B. No. 274. A Bill for an Act to amend Sub-division VI of Section 403, to amend Section 411, and to add sub-division VIII to Section 520 of the Civil Code, of the State of Montana, relating to corporations, and to provide for the issuance of preferred stock.

By Mulroney: H. B. No. 275. A Bill for an Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize and

empower corporations to dispose of, or sell the whole or any part of their property, and to protect the stockholders dissenting from such action.

By Mulroney: H. B. No. 276. A Bill for an Act entitled "An Act to appropriate money for the Montana State Board of Horticulture."

By Mulroney: H. B. No. 277. A Bill for an Act to amend Section 15 of Chapter CIX, "An Act to amend Section 1, 2, 7, 8, 9, 15 and 19 of an Act entitled 'An Act to create the Montana State Board of Horticulture,' to prescribe its duties and powers and to appropriate money therefor, approved February 17th, 1899; and as amended by the act of March 14th, 1901; and to add to said Act certain new Sections to be designated as Sections 21 and 28 inclusive."

By Kennedy: H. B. No. 278. A Bill for an Act concerning the resignation of directors or trustees of corporations.

READING OF HOUSE BILLS.

On motion by Wyman, all Bills, except Appropriation Bills, were read first and second times by title only.

H. B. No. 274, read first and second times, and referred to Committee on Judiciary.

H. B. No. 275, read first and second times, and referred to Committee on Judiciary.

H. B. No. 276, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 277, read first and second times, and referred to Committee on Judiciary.

H. B. No. 278, read first and second times, and referred to Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

On motion by Linderman, all bills, except Appropriation Bills, were read third time by title only.

House Bill No. 127, having been read three several times, was passed by the following vote:

Ayes—Blake, Blankenship, Brewster, Burt, Canoll, Collier, Dempster, Harrington, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—47.

Noes—Bennett, Brigham, Christian, Fairbanks, Forsythe, Hilman, Linderman and Mumbrue—8.

Absent and not voting—Berry, Bembrick, Buck, Carriher, Coleman, Cone, Decker, English, Everett, Geyman, Hayes Murray, Murphy, MacGinnis, Potter, Schoonover and Selway—17.

Title agreed to.

House Bill No. 143, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Christian, Collier, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—58.

Noes—None.

Absent and not voting—Buck, Canoll, Carriher, Coleman, Cone, Decker, English, Geyman, Murray, Murphy, MacGinnis, O'Brien, Selway and Williams—14.

Title agreed to.

House Bill No. 171 having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Burt, Canoll, Collier,

Dempster, Everett, Forsythe, Harrington, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—45.

Noes—Brewster, Buck, Christian, Fairbanks, Huntington, Leiper, Metcalf, Potter, Sales, Sanden, Stevens and Sykes—12.

Absent and not voting—Bennett, Carriher, Coleman, Cone, Decker, English, Geyman, Hayes, Murray, MacGinnis, O'Brien, O'Connor, Schoonover, Selway and Williams—15.

Title agreed to.

Substitute for House Bill No. 138, havnig been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Brewster, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Metcalf, Mennier, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Bennett, Blankenship, Brigham, Cone, Decker, English, Everett, Geyman, Leiper, Linderman, Murray, Murphy, MacGinnis, O'Brien, Schoonover, Selway and Williams—17.

Title agreed to.

Substitute for House Bill No. 41, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship Brewster, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Mulroney, Mumbrue Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Wilson, Wood Wyman and Mr. Speaker—54.

Noes—None.

Absent and not voting—Bennett, Bembrick, Brigham, Carriher, Cone, English, Geyman, Leiper, Linderman, Metcalf, Meunier, Murray, MacGinnis, Sanders, Selway, Starz Vandyck and Williams—18.

Title agreed to.

House Bill No. 131, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Dempster, Everett, Fairbanks, Forsythe Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Metcalf, Meunier, Mumbrue, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyc.., Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker —57.

Noes—Huntington and Potter—2.

Absent and not voting—Bembrick, Brigham, Decker, English, Geyman, Leiper, Mulroney, Murray, Murphy, MacGinnis, Schoonover, Selway and Williams—13.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment reports the following House Bills as correctly enrolled this 20th day of February 1905:

House Substitute for Senate Bill No. 2 and House Bill No. 4. An Act to

amend Sections 950 and 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of livestock.

Also Substitute for House Bill No. 19. An Act to authorize Cities and Towns to Create Special Improvement Districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and of laying extensions to water mains.

Also House Bill No. 82. An Act appropriating money for the payment of the Per Diem and Mileage of certain persons on account of services as Presidential Electors for the year 1905.

Also House Bill No. 159. An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the years 1903 and 1904.

Also House Bill No. 160. An Act appropriating money for the payment of the deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

Also House Bill No. 162. An Act appropriating money for the payment of claims of certain persons for services rendered to the Office of the Secretary of State.

Also House Bill No. 163. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home, at Twin Bridges, Montana.

Also House Bill No. 165. An Act appropriating the sum of Seventeen Thousand Dollars for the payment of claims of certain persons for money advanced for the erection of permanent buildings and improvements on the property of the Montana State Fair.

Also House Bill No. 166. An Act to appropriate money for the payment of the deficiency claim of Mitchell & Mussigbrod, for the care of patients at the Insane Asylum for the year 1904.

Also House Bill No. 179. An Act appropriating money for the payment of deficiency claims of certain persons for rewards.

Also House Bill No. 180. An Act appropriating money for the payment of deficiency claims for expense of Attorney General.

Also House Bill No. 181. An Act appropriating money for the payment of deficiency claims of coal mine inspector for expenses incurred.

Also House Bill No. 198. An Act appropriating money for the payment of deficiency claims of certain persons for supplies furnished the Meat & Milk Inspection Board."

Mr. Speaker announced: "The House will plase take notice that the Speaker is about to sign House Bill No. 159. An Act entitled An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the years 1903 and 1904.

Also Substitute for Senate Bill No. 2 and House Bill No. 4. An Act entitled "An Act to amend Sections 950 and 953, Title VIII, Chapter III, Part IV, Division I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of live stock.

Also House Bill No. 198. An Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for supplies furnished the Meat & Milk Inspection Board."

Also Substitute for House Bill No. 19. An Act to authorize Cities and Towns to create Special Improvement Districts, and to levy special assessments upon the property of such districts, for the purpose of defraying the cost of construction or acquiring a system of water works, and of laying extensions to water mains.

Also House Bill No. 181. An Act appropriating money for the payment of deficiency claims of Coal Mine Inspector for expenses incurred.

Also House Bill No. 180. An Act appropriating money for the payment of deficiency claims for expense of Attorney General.

Also House Bill No. 160. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

Also House Bill No. 165. An Act appropriating the sum of Seventeen Thou-

sand Dollars ($17,000) for the payment of claims of certain persons for moneys advanced for the erection of permanent buildings and improvements on the property of the Montana State Fair.

Also House Bill No. 179. An Act appropriating money for the payment of deficiency claims of certain persons for rewards.

Also House Bill No. 166. An Act to appropriate money for the payment of the deficiency claims of Mitchell & Mussigbrod for the care of patients of the Insane Asylum for the year 1904.

Also House Bill No. 162. An Act appropriating money for the payment of claims of certain persons for services rendered to the office of the Secretary of State.

Also House Bill No. 163. An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home, at Twin Bridges, Montana.

Also House Bill No. 82. An Act appropriating money for the payment of the Per Diem and Mileage of Certain persons on account of services as Presidential Electors for the year 1905."

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of Bills on General Orders until 4 o'clock.

Metcalf in the chair.

House resumed.

Mr. Speaker in the chair.

Linderman moved that when the House adjourn, it adjourn until 11:30 o'clock tomorrow, the 21st Instant. Carried.

Lanstrum moved that the report of the Committee of the Whole be considered read at length. Motion carried.

Metcalf, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 65, introduced by Ross, A Bill for an Act entitled, "An Act prescribing the hours of labor which shall constitute a day's work on all works or undertakings carried on or aided by municipal, county or State Government and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the provisions of this Act", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 247, introduced by the Committee on Appropriations, A Bill for an Act making appropriations for the incidental expenses of the Ninth Legislative Assembly of the State of Montana, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 116, introduced by Shannon. A Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly by corporations and other employees of labor, in cities or towns having a population of 300 and over, and within a radius of three miles thereof, and providing a penalty for the violation thereof", reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, lines 3 and 4, by striking out, after the word "in" the words "any City or Towns of this State having a population of 300 or over and within a radius of three miles thereof," and inserting in lieu thereof the words "the State of Montana."

Amend Section 1, line 6, by striking out after the word "of" the words "any other employment", and inserting in lieu thereof the words "in the Mercantile Business."

Amend Section 1, line 4, by striking out after the word "employing" the words "within such district".

Amend Section 2, line 18, by striking out the word "treble" and inserting in lieu thereof the word "double".

Amend Section 2, line 14, by striking out the word "within" and inserting

in lieu thereof the word "before", and by inserting after the word "forth" the words "have expired".

Amend the Bill by inserting a new section to be numbered and to read as follows:

"Section 3. And contracts entered into contrary to the provisions of this Act are null and void."

Amend the bill by changing the Section numbers "3" and "4" and "5" respectively".

On motion by Lanstrum. report was adopted.

House Bills Nos. 65, 247 and 116, with amendments, were referred to Committee on Engrossment.

On motion by Linderman, at 4:10 P. M., the House adjourned.

...

Speaker.

.....

Chief Cler ..

FIFTY-FIRST DAY

Tuesday, February 21st, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All present, except Meunier and Walker.

Sewell reported as follows:

'Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Monday, February 20th. and believe same to be correct."

On motion by Brewster, report was adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena. Montana. Feb. 20th. 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 81, by Donlan: A Bill for an Act to permit Foreign Surety Companies to do business in the State of Montana, and to regulate the methods thereof.

Senate Bill No. 82, by Brennen: A Bill for an Act entitled "An Act regarding Voting Machines, and to authorize and enable Counties. Cities and Towns, and School Districts to procure and use Voting Machines at any election therein; and to provide regulations for the conduct of elections where such Voting Machines are used. and a State Board of Voting Machine Commissioners to test and approve machines."

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 20th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today indefinitely postponed: House Bills Nos. 132 and 140, and they are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

A Protest was received from the Helena Trades and Labor Assembly, signed by the President and Secretary, with the Seal, against the passage of House Bill No. 225. Placed on file.

Petitions were received from various citizens and voters of the State, praying for the passage of House Bill No. 216. Placed on file.

REPORTS OF SELECT COMMITTEES.

The following report was received:

"Helena, Montana, Feb. 20th, 1905.

Mr. Speaker:

We, your Committee appointed to investigate the State Agricultural College at Bozeman, beg leave to report that, after having thoroughly investigated the College we find it one of the best Institutions of the State.

ENROLLMENT.

The total enrollment to date this year—344. Of these two-thirds are young men and one-third young women; most of them are matured.

Students in the Preparatory Department—68, but only seven or eight are from Bozeman, the others are from parts of the State where there are no High Schools.

MECHANICAL ARTS.

We found the shops and laboratories for the Engineering Department, and Chemical Building well equipped.

HORTICULTURAL DEPARTMENT.

This department occupies but one room, which is 13 ft. x 20 ft., in which the classes must recite; the office work is done. and whatever laboratory work is carried on.

IRRIGATION AND CIVIL ENGINEERING.

These departments occupy two small rooms, each about 12 ft. x 20 ft., in one all drafting, and in the other the class work must be done.

BOTANY AND BACTERIOLOGY.

These departments occupy two rooms, each about 18 ft. x 20 ft. In one of these rooms, in such a place that it is impossible to use it, is stored a botanical collection worth $20,000.00. on which there is practically no protection against fire. The two departments of Zoology and Entomology, and Botany and Bacteriology have but one room, 20 ft. x 24 ft., between them. This room is used by one department for one half of the year, and by the other department the other half, and for one-half of the year the students must be refused in this work.

The work of the Agriculturist is done in the basement of this building.

The Laboratory occupies a poorly lighted and ventilated room 12 ft. x 24 ft., and classes are held in the same room in which the Bulletins are stored.

The urgent need of the College and the one which must be met if the work in the Agricultural Departments is to be developed like the other kind of work, is a building which will furnish class rooms, laboratoris and store rooms for the collections for a part of the work now attempted in the Station Building.

At present there are no facilities or equipment for Veterinary Work. It is proposed to provide for this in the new building.

The work in Entomology, Zoology, Botany, Bacteriology and Horticulture should be given rooms in the new building.

We recommend that the appropriation asked for by the President of the College be granted.

C. E. CARRIHER,
W. W. HARPER,
J. A. COLEMAN."

On motion by Sales, report was adopted.

Report was referred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 225, 238, 255, 214, 226, 246, 216, 228, 258, and House Substitute for Senate Bill

No. 19, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 225, 238, 255, 214, 226, 246, 216, 228, 258, and House Substitute for Senate Bill No. 19 were placed on General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 47, A Bill for an Act entitled, "An Act to amend Section 3866 of the Civil Code of Montana relating to the renewal of mortgages of personal property, as amended by Senate Bill No. 46, Session of 1903, approved March 4, 1903", beg to report same back to the House with the recommendation that it be concurred in as amended:

Amend the Title of said Bill by striking out the words "Senate Bill No. 46, Session" in line 3 thereof, and inserting in lieu thereof, "Chapter LV, Laws".

Also amend Section 1 thereof by striking out Lines 1, 2, 3 and the figures "1903" in Line 4, and inserting in lieu thereof the following:

"That Section 3866 of the Civil Code of the State of Montana, relating to the renewal of mortgages of personal property, as amended by Chapter LV, Laws of 1903, approved March 4, 1903".

On motion by Mulroney, report was adopted.

Senate Bill No. 47, with amendments, was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 274, "A Bill for an Act to amend Subdivision VI of Section 403, to Amend Section 411, and to add Subdivision VIII to Section 520 of the Civil Code, of the State of Montana, relating to Corporations, and to provide for the issuance of preferred stock," beg to report same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Bill No. 274 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bil. No. 273, A Bill for an Act entitled "An Act to Compel Street Railway Companies to Protect Certain of their Employees from Inclemencies of the Weather," beg to report same back to the House with the recommendation that the same do pass as amended:

Amend Line 7 of Section 3 by inserting after the word "One" the word "Hundred."

Amend Line 9 of Section 3 by striking out the word "operated" after the word "to" and inserting in lieu thereof the word "operate."

Strike out all of Section 4 and re-number Sections 5 and 6 to read Sections 4 and 5."

On motion by O'Brien, report was adopted.

House Bill No. 273, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 278, A Bill for An Act concerning the resignation of directors of trustees of Corporations," beg to report same back to the House with the recommendation that it be printed and placed on General Orders."

On motion by Wilson, report was adopted.

House Bill No. 278 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 275, A Bill for an Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize and empower corporations to dispose of, or sell the whole or any part of their property, and to protect the stock-

holders dissenting from such action," beg to report same back to the House with the recommendation that the same do pass."

On motion by Wilson, report was adopted.

House Bill No. 275 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

Wiedeman requested unanimous consent to introduce a Bill without having given previous notice. Granted.

Carriher requested unanimous consent to introduce a Bill without having given previous notice. Granted.

Sanden requested unanimous consent to introduce a Bill without having given previous notice. Granted.

Sullivan, of Lewis and Clarke requested unanimous consent to introduce a Bill without having given previous notice. Granted.

Richardson requested unanimous consent to introduce a Bill without having given previous notice. Granted.

Johnston requested unanimous consent to introduce a Bill without having given previous notice. Granted.

The following Bills were introduced and placed on file:

By Wiedeman: H. B. No. 279, A Bill for an Act to prohibit temporary Places of Business and Exhibitions Adjacent to the ground of State and County Fairs, and to provide a penalty therefor.

By Carriher: H. B. No. 280, A Bill for an Act to create and provide a disability fund for paid Fire Departments in Cities or Towns and to amend "An Act providing that taxes received from Fire Insurance Companies, Corporations and Associations doing business in the State of Montana be applied to the maintenance of Fire Departments," approved March 7th, 1903.

By Blankenship: H. B. No. 281, A Bill for an Act prohibiting the School trustees of any school district from permitting the use of any school house within their district for public entertainment or for any purpose other than school purposes when objection is made by five or more taxpayers of the district.

Sy Sanden: H. B. No. 282, A Bill for an Act entitled "An Act to impose a license tax on express companies."

By Sullivan of Lewis and Clarke: H. B. No. 283, A Bill for an Act entitled. "An Act to impose a license tax on companies operating sleeping or parlor cars."

By Richardson: H. B. No. 284, A Bill for an Act entitled, "An Act requiring corporations doing business in the State of Montana to pay an annual license fee."

By Johnston: H. B. No. 285, A Bill for an Act "To Amend Section 4230 of the Political Code of Montana by adding thereto a Subdivision Numbered 28, empowering the Board of County Commissioners to offer rewards for the apprehension of persons charged with felony."

READING OF HOUSE BILLS.

Linderman moved that all Bills, except Appropriation Bills, be read first and second times, by title only. Motion carried.

The following Bills were taken from the file:

H. B. No. 279, read first and second times, and referred to Committee on Fairs and Expositions.

H. B. No. 280, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 281, read first and second times, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 282, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 283, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 284, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 285, read first and second times, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 30, A Bill for an Act entitled "An Act to amend Section 1000 of the Civil Code of the State of Montana," beg to report same back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Senate Bill No. 20 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 8, "A Bill for an Act to amend Section 4024 of the Political Code of the State of Montana, relating to the Protest of Taxes, and providing for an Action at Law to recover taxes paid under Protest, by adding thereto a Section to be known as Section 4024 A, relating to Assessment and Collection of taxes," beg to report same back to the House with the recommendation that it be placed on General Orders."

On motion by Wilson, report was adopted.

Senate Bill No. 8 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 46, A Bill for an Act entitled, "An Act to amend Section 20 of an Act entitled "An Act to establish a tax on direct and collateral Inheritances, Bequests, and Devises. to provide for its collection and direct the disposition of its proceeds" approved March 4, 1897, beg to report same back to the House with the recommendation that is be concurred in."

On motion by Mulroney, report was adopted.

Senate Bill No. 46 was placed on General Orders.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 65 as correctly engrossed."

Report received and House Bill No. 65 was placed on file for third reading.

By Burt:

"Mr. Speaker:

Your Committee on Highways having had under consideration House Bill No. 236, A Bill for an Act entitled, "An Act to amend Section 11 and 17 of Article 3, of an Act of the Eighth Legislative Assembly of the State of Montana, entitled, "An Act entitled, An Act for the establishment of a uniform system of Road Government and Administration in the Counties of the State of Montana, and to provide for the Levy, Collection and Disposition of Road Tax, and Providing Penalties for the violation of the provisions of this Act; and to repeal an Act known as "House Bill No. 280" of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the levy, Collection and Disposition of Road Taxes," approved March 4th, 1897; and to repeal an Act known as House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled "An Act to repeal Sections 2640, 2642, 2643 and 2680 as amended, as House Bill No. 280 of the Fifth Legislative Assembly of Montana relating to the Levy, Collection and Disposition of Road Tax, and to provide for the collection of a Special Road Tax," approved March 3rd, 1899; and to repeal Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the Establishment for a Uniform System of Road Government and Administration in the Counties of Montana," approved March 6th, 1901; and to repeal Sections 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660 2661, 2662, 2663, 2664, 2665, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691,

2692. 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814 and 2815, 2844, 2845, 2846, 2847, 2848 and 2849 of the Political Code of the State of Montana," approved March 2nd, 1903. Beg to report back to the House with the recommendation that the Bill be indefinitely postponed."

Wilson moved that the report be not accepted; but that House Bill No. 236 be printed and placed on General Orders.

Substitute motion, by Burt, that the report be adopted.

Substitute motion carried; Ayes, 52; noes 10.

MOTIONS AND RESOLUTIONS.

By Dempster

House Joint Resolution No. 6.

Be is Resolved by the House of Representatives of the State of Montana, the Senate Concurring:

That the Commissioner of the Bureau of Agricultural, Labor and Industry be and he is hereby directed to make complete and thorough investigation into the plan of operations of State Life and Industrial Insurance, and to report his findings and recommendations to the Governor not later than November 30, 1907, provided that such investigation shall be conducted without any extra expense to the State of Montana.

Dempster moved to adopt the resolution.

Sales raised the Point of Order that a Resolution cannot be acted on the same day as introduced.

Mr. Speaker sustained the Point of Order.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 247 and 116 as correctly engrossed."

Report received and House Bills Nos. 247 and 116 were placed on file for third reading.

THIRD READING OF HOUSE BILLS.

Lanstrum moved that all Bills except Appropriation Bills, be read third time by title only.

Substitute motion by Kennedy that House recess until 2 P. M.

Lanstrum, duly seconded, asked for a roll call on the Substitute motion to recess until 2 P. M.

Roll was called and the Substitute motion lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Brigham, Carriher, Coleman, Collier, Dempster, Everett, Fairbanks, Harrington, Hayes, Kennedy, Lannin, Murphy, MacGinnis, Roach, Roll, Sanders, Schoonover, Shannon, Sullivan of Jefferson, Teskey, Wood and Wyman—25.

Noes—Bennett, Blake, Brewster, Burt, Canoll, Christian, Cone, Decker, English, Forsythe, Geyman, Hewett, Hilman, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, Mumbrue, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Ross, Sales, Sanden, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Wilson, Williams and Mr. Speaker—41.

Original motion carried.

Substitute for House Bills Nos. 11, 43 86 and 153, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz,

Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—66.

Noes—Coleman and Kennedy—2.

Absent and not voting—Decker, Meunier, Selway and Walker—4.

Title agreed to.

Linderman moved that the House recess until 2 o'clock P. M.

Roll call asked for and motion was carried by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, English, Everett, Forsythe, Geyman, Hilman, Huntington, Kennedy, Lanstrum, Linderman, Leiper, Metcalf, Mulroney, Mumbrue, Murray, MacGinniss, Patten, Potter, Richardson, Roach, Sales, Selway, Sewell, Starz, Stevens, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—41.

Noes—Blankenship, Canoll, Coleman, Collier, Decker, Dempster, Fairbanks, Harrington, Hayes, Hewett, Johnston, Lannin, Murphy, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roll, Ross, Sanden, Sanders, Schoonover, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wood and Wyman—29.

The House recessed at 12:35 P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

THIRD READING OF HOUSE BILLS.

House Bill No. 65, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Decker, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Potter, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—None.

Absent and not voting—Coleman, Cone, Dempster, Everett, Hewett, Patten, Roach and Walker—8.

Title agreed to.

House Bill No. 116, having been read three several times, Shannon moved to amend the Title of the Bill by striking out in line 2 after the word "Labor," all the words up to and including the word "Thereof" in line 3; and inserting in lieu thereof the words, "In the State of Montana." Motion unanimously carried.

Mr. Speaker announced: "House Bill No. 116, having been read three several times, the question is, 'Shall the Bill pass?'"

House Bill No. 116 was passed by the following vote:

Ayes—Berry, Blankenship, Brigham, Canoll, Carriher, Christian, Coleman, Collier, English, Fairbanks, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Metcalf, Meunier, Mulroney, Murphy, MacGinnis, O'Brien, O'Connor, Quigley, Reel, Richardson, Ross, Sales, Sanden, Sanders, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—45.

Noes—Bennett, Blake, Brewster, Buck, Everett, Forsythe, Leiper, Mumbrue, Murray, Macdonald, Potter, Roll, Schoonover, Selway, Sewell—15.

Absent and not voting—Bembrick, Burt, Cone, Decker, Dempster, Hewett, Lanstrum, Linderman, Patten, Roach, Starz and Walker—12.

Title agreed to.

House Bill No. 247, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Decker, English, Everett, Fair-

banks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinniss, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Burt, Cone, Dempster, Hewett, Kennedy, Lanstrum, Starz, Sullivan of Jefferson and Walker—9.

Title agreed to.

Johnston moved that the third reading of House Bill No. 27 be postponed until Thursday, the 23rd Instant, and be taken up in regular order. Motion carried.

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole for the consideration of all Bills on General Orders until the Committee should see fit to arise.

Everett in the chair.

House resumed.

Mr. Speaker in the chair.

Everett, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 242, Introduced by the Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money to defray the expenses of the Joint Committee, appointed to investigate the penitentiary at Deer Lodge, Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 174, Introduced by C. A. Wilson, A Bill for an Act to amend the Act entitled "An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection." approved March 7th, 1903, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 8, by inserting the word "as" after the word "authority."

Also having had under consideration House Bill No. 258, Introduced by Special Conference Committee, A Bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana an amendment to Article V of the Constitution of the State of Montana, relating to the legislative department, and providing for direct legislation," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 194, Introduced by Leiper, A Bill for an Act entitled, "An Act Providing the Water Users' Associations, organized in Conformity with the Requirements of the Laws of the United States and the State of Montana for the furnishing of water only to its Stockholders, shall be exempt from Incorporation tax, Annual Franchise Tax, and Fixing the fee required to be paid to the Secretary of State for Filing and Recording such Articles and Issuing Certificate of Incorporation," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 123, Introduced by Johnston. A Bill for an Act "To amend Section II, Article III, Chapter XLIV, of the Laws of 1903, relating to Special Road Taxes," reports same back to the House with the recommendation that it do pass."

On motion by Wyman, report was adopted.

House Bills Nos. 242, 174, as amended, 258, 194 and 123 were referred to the Committee on Engrossment.

On motion by Lanstrum at 3:31 P. M. the House took a recess of fifteen minutes.

House re-assembled at 3:46 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

THIRD READING OF HOUSE BILLS.

On motion by Lanstrum, the rules were suspended, and House Bill No. 258 was considered correctly engrossed and placed upon its final passage.

MacGinnis asked for a Call of the House.

Roll called and all members found present except Burt, Hewett, and Walker.

The following pair was read:

"Helena, Montana, Feb. 20, 1905.

Notice is hereby given that the undersigned are paired on all questions relative to the Initiative and Referendum for the 21st, 22nd and 23rd of February.

GEO. W. BURT,
B. F. BEMBRICK."

Mr. Speaker announced: "The following statement has been presented to the Speaker by Representative Bembrick:"

"Helena, Montana, Feb. 21st, 1905.

Mr. Speaker:

I desire to make a statement to the House in reference to the announcement that I have paired with Representative Burt on the Initiative and Referendum. I wish to say that I did not knowingly enter into any such arrangement. I specifically agreed that I should not pair on that subject. I asked Mr. Johnston of Yellowstone to write the pair for me. The document was brought to me and it especially provided that I paired on all party measures except the Initiative and Referendum. That is the paper I thought I signed. It appears another paper was substituted for the one that was first submitted to me, and that is the one that is now in the hands of the Speaker.

I desire to act in absolute good faith with the House, and I positively state that my understanding with Mr. Burt was distinctly that we were not to be paired on the Initiative and Referendum, and I ask that the House release me from the obligation of a pair on this question.

Signed, B. F. BEMBRICK."

Kennedy moved that further proceedings under the call of the House be dispensed with. Motion carried.

Kennedy moved that Representative Bembrick be allowed to vote upon the final passage of House Bill No. 258, and that the pair between Representatives Burt and Bembrick on this matter be inoperative.

Everett raised the Point of Order that the motion is out of order.

Mr. Speaker ruled that the motion was in order.

Motion carried; Ayes 35; Noes 33.

House Bill No. 258, having been read three several times, not having received a two-thirds vote of the House, was defeated by the following vote:

Ayes—Berry, Bembrick, Blankenship, Christian, Coleman, Collier, Cone, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—43.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Canoll, Carriher, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Hilman, Kennedy, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Selway, Sewell, Stevens, Sykes, Vandyck, and Williams—28.

Absent and not voting—Burt—1.

Dempster gave notice that on tommorrow he would move to reconsider the vote on House Bill No. 258.

Canoll gave notice that on tomorrow he would second a motion to reconsider the vote on House Bill No. 258.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 21st, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Bill No. 16, "An Act authorizing the County Commissioners of any county to provide public scales at any suitable location in the county, provide for the capacity thereof and for the apportionment, qualification, duties, compensation and removal of public weighers,

and fixing penalty for the issuance of a false certificate by any such public weigher."

Also House Bill No. 52, "An Act to punish interferences and attempted interferences with railroad property and the causing of death thereby, and to repeal Section 1030 of Chapter XIII of Title XIII of Part I of the Penal Code of Montana."

Also House Bill No. 110, "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State, for damages sustained by employes thereof; and to declare void contracts restricting liability."

J. K. TOOLE, Governor."

NOTICES OF BILLS.

The following notice was given:

By Murray: A Bill for "An Act to amend Sections 12 and 15 of the Code of Civil Procedure, relating to the Supreme Court and providing for two additional Justices of said Court and fixing the terms of the additional Justices, providing for the election of their successors, and designating the persons who shall hold the offices of additional Justices for the first term."

REPORTS OF STANDING COMMITTEES.

The following reports were given:

By Decker:

"Mr. Speaker:

Your Committee on Fairs and Expositions, having had under consideration Senate Bill No. 33, A Bill for an Act entitled, "An Act to amend Sections 1 and 3, Chapter 67 of the Session Laws of Nineteen Hundred and Three of the State of Montana, relating to the creation in each county in Montana of a Commission to be known as a County Agricultural Fair Commission, and providing an appropriation from the County Treasurer of each county of the sum of One Thousand Dollars, to be expended by the Commission for County Fair Expenses," beg leave to report to the House that said bill be not concurred in."

On motion by Brewster, report was adopted.

Also by Decker:

"Mr. Speaker:

Your Committee on Fairs and Expositions, having had under consideration House Bill No. 279, A Bill for an Act entitled, "An Act to Prohibit Temporary Places of Business and Exhibitions Adjacent to the Grounds of State and County Fairs, and to Provide a Penalty therefore, beg leave to report that said bill do pass."

On motion by Brewster, report was adopted.

House Bill No. 279 was referred to Committee on Printing.

By Starz:

"Mr. Speaker:

We, your Committee on Sanitary Affairs, having had under consideration House Bills Nos. 76 and 244 "A Bill for an Act entitled An Act to amend Sections 2, 15 and 24 of an Act entitled, An Act to create the office of Meat and Milk Inspector for the State of Montana and prescribing their powers and duties and compensation therefor," beg leave to introduce a substitute for the same with the recommendation that the substitute do pass."

On motion by Bennett, report was adopted.

Substitute for House Bills Nos. 76 and 244 was referred to Committee on Printing.

By English:

"Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 272, A Bill for, "An Act to create the office of Chaplain to the State Penitentiary," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 272 was referred to Committee on Printing.

Also by English:

"Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having

had under consideration Senate Bill No. 55, A Bill for "An Act requiring State Officials and Persons in charge of State Institutions to make out quarterly reports of property in their charge and file same, and providing penalties for failure to do so. beg to report same back to the House with the recommendation that it be concurred in."

On motion by Sales, report was adopted.

Senate Bill No. 55 was placed on General Orders.

By Starz:

"Mr. Speaker:

We. your Committee on Sanitary Affairs, having had under consideration House Bill No. 176, "A Bill for an Act providing for a Meat and Milk Inspector in cities having 4.000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animals for food purposes and prescribing penalties for the violation of the provisions of this Act," beg leave to refer the same back to the House with the recommendation that it be printed."

On motion by Starz, report was adopted.

House Bill No. 176 was referred to Committee on Printing.

GENERAL ORDERS.

On motion by Sales, the House resolved itself into a Committee of the Whole, for the consideration of Bills on General Orders.

Wiedeman in the Chair.

House resumed.

Mr. Speaker in the chair.

Bennett moved that when the House adjourn, it adjourn until 10 A. M. Thursday, February 23rd, 1905.

Substitute motion, by Johnston, that when the House adjourn, it adjourn until 2 P. M. tomorrow.

Substitute motion lost. Original motion carried.

On motion by Bennett, the report of the Committee of the Whole, was considered read and adopted.

Wiedeman, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 152, Introduced by Huntington, A Bill for an Act to prevent the Sale of Liquors on Credit, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 183, Introduced by Geyman, A Bill for "An Act to amend Section 1314 and Section 1317 of the Code of Civil Procedure of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 220, Introduced by Coleman, A Bill for an Act entitled "An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and compensation thereof, and providing rules and regulations for the use of voting machines in all counties, cities towns and districts of the State of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Joint Memorial No. 2, Introduced by Mahon, To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS. there are now in a portion of the State of Montana, known as the Fort Peck Indian Reservation, many thousand acres of desirable agricultural land in every way adaptable to farming and stock raising far in excess of the needs of the Indians of said Reservation, and,

WHEREAS, this land embodies some of the choicest agricultural area in eastern Montana, which is now of no material benefit to said Indians, or a source of either Federal or State Government, and

WHEREAS, the proposed Milk River Irrigation project, as located by present surveys, will connect with the West boundary of said Reservation, and

WHEREAS, the continuation of the Government Canal on to this Reservation

will make one of the most fertile and productive valleys in the State of Montana, and make homes for hundreds of families,

THEREFORE BE IT RESOLVED, that we, your memorialists, the Ninth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to enact such legislation as will result in the opening of the Fort Peck Indian Reservation, under conditions similar to the opening of the Crow and Flathead Indian Reservations in this State, and

BE IT FURTHER RESOLVED, that the Secretary of State be, and he is hereby instructed to forthwith transmit copies of this Memorial, properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Substitute for Senate Bill No. 12, Recommended by Committee on Stock Growing and Grazing, A Bill for an Act entitled, "An Act to define lawful fences, and to repeal Section 3250 of the Political Code, and an Act approved March 16th, 1901, entitled 'An Act to amend Section 3250, Chapter XIII, Title VII, Part III, of the Political Code of the State of Montana," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 13, Introduced by Committee on Stock Growing and Grazing, A Bill for an Act to amend Section 3001 of the Political Code of Montana relating to the Duties and Powers of the State Veterinary Surgeon, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 41, Introduced by Glidden, A Bill for an Act entitled, "An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the Sale of Intoxicating Beverages, on the Line of any Railroad Grade, Irrigation Ditch, or Canal in the Course of Construction," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 59, Introduced by Bentall, A Bill for an Act entitled, "An Act to amend Section 4230 of the Political Code relative to the jurisdiction and power of County Commissioners, by adding an additional subdivision thereto," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 60, Introduced by Bentall, A Bill for an Act entitled, "An Act to amend Section 4240 of the Political Code relative to the authority of County Commissioners to issue Bonds on the credit of the County," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 196, Introduced by Sales, A Bill for an Act authorizing the Issuance of Refunding Bonds to the amount of One Hundred Thousand Dollars ($100,000.00), for the purpose of Redeeming and Refunding at a lower rate of Interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds heretofore Issued under Sections 1630 to 1637 Inclusive, of the Poltical Code of Montana, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 2, by striking out the words "One Hundred" and inserting in lieu thereof the word "Eighty."

Also amend Section 1, line 3, by striking out the figures "$100,000.00" and inserting in lieu thereof the figures "$80,000.00."

Amend Section 4, line 42, by striking out the word "Examiners" and inserting in lieu thereof the words "Land Commissioners."

Amend Section 4, line 51, by striking out the word "Examiners" and inserting in lieu thereof the words "Land Commissioners."

Amend Section 5, line 61, by striking out the words "One Hundred" and inserting in lieu thereof the word "Eighty."

Amend the Title by striking out, in line 1, the words "One Hundred" and inserting in lieu thereof the word "Eighty," in line 2, by striking out the figures "$100,000.00" and inserting in lieu thereof the figures "$80,000.00."

Also having had under consideration House Bill No. 205, Introduced by Lanstrum, A Bill for an Act entitled, "An Act to repeal Section 681 of Part IV,

Division I, of the Civil Code of Montana, relating to the taxation of Premiums received by Insurance Companies and Corporations doing business in this State," reports same back to the House with the recommendation that it do pass."

House Bills Nos. 152, 183, 220, 196 with amendments, and 205, were referred to Committee on Engrossment.

Senate Joint Memorial No. 2, Substitute for Senate Bill No. 12, Senate Bills Nos. 13, 41, 59 and 60, were placed on file for third reading.

REPORTS OF STANDING COMMITTEES.

Mulroney reported as follows:

"Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill 223, "A Bill for an Act authorizing the Governor to appoint and provide for the compensation of an Agent to prosecute claims of the State of Montana against the United States," having had the same under consideration beg to report back to the House that we have prepared a Substitute for said House Bill No. 223, and recommend that the substitute bill do pass."

On motion by Johnston, report was adopted.

Substitute for House Bill No. 223 was referred to the Committee on Printing.

On motion by Kennedy, at 6:15 P. M. the House adjourned.

.....

Speaker.

.....

Chief Clerk.

FIFTY-THIRD DAY

Thursday, February 23rd, 1905.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all present except Burt and Richardson.

Mr. Speaker excused Burt and Richardson.

REPORTS OF SELECT COMMITTEES.

Sewell reported as follows:

"Helena, Montana, Feb. 23rd, 1905.

Mr. Speaker:

Your Committee on House Journal begs leave to report having read and examined Journal of Tuesday, February 21st, and believe same to be correct."

On motion by O'Connor, report was adopted.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Feb. 22nd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today not concurred in and are herewith returned to the House : House Bills Nos. 107, 175 and 200.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 21st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that a notice of the introduction of the following Bill was given today:

By Bielenberg: A Bill relating to the control of Automobiles and regulating the speed thereof.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 21st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 7 was today not concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb 21st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and passed and are herewith transmitted to the House for its concurrence: Senate Bills Nos. 65 and 71: also that the following Bills were read third time and concurred in and are herewith returned to the House: House Bills Nos. 101, 149, 167, 39, 62, 10 and 58.

Respectfully,
C. E. WIGHT, Secretary."

House Bills Nos. 101, 149, 167, 39, 62, 10 and 58 were referred to the Committee on Enrollment.

Also:

"Helena, Montana, Feb. 21st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second times:

Senate Bill No. 83, by Ralston: A Bill for an Act entitled, "An Act to require Corporations, lessees, person or persons operating Railroads within this State on not less than ten days' notice, to furnish at the time and place specified in said notice, suitable cars for removing freight and providing a penalty for a failure to so do."

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 21st, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 120 and 189 were today read third time and concurred in as amended and are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

A protest was received from Billings Typographical Union No. 398, against the passage of House Bill No. 225. Placed on file.

Numerous petitions were received praying for the passage of House Bill No. 216. Placed on file.

NOTICES OF BILLS.

The following notice was given:

By Mulroney: A Bill for an Act to amend Sections 1 and 2 of an Act to amend Section one, two, seven, eight, nine, fifteen, and nineteen of an Act entitled "An Act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate money therefor, approved February 17, 1899, and to add to said Act certain new Sections to be designated as Sections 21 to 28 inclusive.

MOTIONS AND RESOLUTIONS.

Murray moved that House Bill No. 247 be recalled from the Senate and a new bill be substituted therefor. Motion carried.

REPORTS OF STANDING COMMITTEES.

Buck reported as follows:

"Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 257, A Bill for "An Act to Amend Section 16 of House Bill No. 147, passed by the

Seventh Legislative Assembly, entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the Appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Defining their Powers and Duties and Providing for their Compensations," approved March 18th, 1901, and Providing for the Sale of Birds, Animals, Fish, Hides and Heads Seized by the State Game and Fish Warden or any Sheriff or any Deputy Sheriff or Constable, beg to recommend that said Bill be amended by inserting a new Section to be numbered to read as Section 2, said Section to read as follows:

"Section 2. Any Sheriff, Deputy Sheriff, Constable, Policeman or Deputy Game Warden acting without salary from the State, who shall swear to a complaint, or institute or begin proceedings in any cause against any person or persons for violation of any provisions of the Game and Fish Laws or Hunting License Laws of this State shall receive as his compensation one half of any moneys collected as fine from the result of such complaint or proceedings," we recommend that said Bill as amended do pass and that it be referred to the Judiciary Committee."

On motion by Brewster, report was adopted.

House Bill No. 257, with amendment, was referred to Committee on Judiciary.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg to report that House Bills numbers 235, 237, 239, 211, 184, 254, 253 and Substitute for House Bill 186 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 235, 237, 239, 211, 184, 254, 253, and Substitute for House Bill No. 186 were placed on General Orders.

READING OF BILLS.

On motion by Linderman, the rules were suspended, and all Bills, except Appropriation Bills, were read first and second times by title only.

S. B. No. 65, read first and second times, and referred to Committee on Judiciary.

S. B. No. 71, read first and second times, and referred to Committee on Judiciary.

House Joint Resolution No. 6, read first and second times, and referred to Committee on Insurance.

THIRD READING OF BILLS.

Senate amendment to Substitute for House Bill No. 120, which reads as follows: Add to Section 12 after "1903" the following: "provided however that it shall be necessary only for one of the persons above named, with each and every hunting party, to have fulfilled the requirements of this Section," was read.

On motion by Macdonald Senate amendment to Substitute for House Bill No. 120, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes Hewett, Hilman, Huntington, Kennedy, Lannin, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Macdonald, O'Brien, O'Connor, Patten, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Williams, Wilson, Wood, Wyman, and Mr. Speaker—53.

Noes—Buck, Johnston, Quigley, Reel and Roll—5.

Absent and not voting—Burt, Cone, English, Lanstrum, Meunier, Murphy, MacGinnis, Potter, Richardson, Roach, Stevens, Sullivan of Lewis and Clarke, Walker and Wiedeman—14.

Substitute for House Bill No. 120, with amendment, was referred to Committee on Enrollment.

Senate Amendment to House Bill No. 189, which reads as follows: "Strike out 'one year' in last line of Section 1 and insert in lieu thereof the words 'six months,'" was read.

On motion by Wyman, Senate Amendment to House Bill No. 189 was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Buck, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—Brigham and Everett—2.

Absent and not voting—Burt, Cone, MacGinnis, Potter, Richardson, Stevens, Walker, and Wiedeman—8.

House Bill No. 189, with amendment, referred to Committee on Enrollment.

Senate Joint Memorial No. 2, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Blankenship, Burt, Cone, Lanstrum, MacGinnis, Potter, Richardson, Stevens, Walker and Wiedeman—10.

Title agreed to.

Substitute for Senate Bill No. 12, having been read three several times, was concurred in by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Johnston, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mumbrue, Macdonald, Patten, Quigley, Reel, Roach, Sales, Sanders, Schoonover, Sewell, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—40.

Noes—Bennett, Bembrick, Collier, Decker, Hayes, Hewett, Huntington, Kennedy, Linderman, Murray, Murphy, O'Brien, O'Connor, Roll, Ross, Sanden, Selway, Shannon, Starz, Teskey, Wood and Wyman—22.

Absent and not voting—Burt, Carriher, Cone, Hilman, Mulroney, MacGinnis, Potter, Richardson, Stevens and Walker—10.

Title agreed to.

Senate Bill No. 13, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Coleman, Canoll, Carriher, Christian, Collier, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—51.

Noes—Dempster, Geyman, Lannin, Murphy, Macdonald, O'Brien, Schoonover, Shannon, Teskey, and Wyman—10.

Absent and not voting—Canoll, Cone, Hayes, Hilman, Huntington, MacGinnis, Potter, Richardson, Stevens, Sullivan of Jefferson and Walker—11.

Title agreed to.

Senate Bill No. 41, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Reel, Roach, Roll, Ross, Sales, Schoonover,

Sewell, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—52.

Noes—Canoll, Lannin, Murphy, O'Brien, Quigley, Sanden, Sullivan of Lewis and Clarke and Wyman—8.

Absent and not voting—Buck, Burt, Cone, Dempster, Hilman, Potter, Richardson, Sanders, Selway, Shannon, Stevens and Walker—12.

Title agreed to.

Berry gave notice that on tomorrow he would move for a reconsideration of the vote on Senate Bill No. 41.

Senate Bill No. 59, having been read three several times, was concurred in by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Macdonald, O'Connor, Patten, Roach, Roll, Ross, Sales, Sanders, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Sanden, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—51.

Noes—Bennett, Hewett, Lannin, Linderman, Murphy, O'Brien, Quigley, Reel, Schoonover, Shannon, Walker and Wyman—12.

Absent and not voting—Burt, Carriher, Cone, Hayes, MacGinnis, Potter, Richardson, Selway and Stevens—9.

Title agreed to.

Senate Bill No. 60, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Canoll, Carriher, Christian, Coleman, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hewett, Hilman, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—54.

Noes—Bembrick, Hayes, Huntington, Lannin, Murphy, MacGinnis, O'Brien, and Walker—8.

Absent and not voting—Buck, Burt, Collier, Cone, Murray, Richardson, Sanders, Selway, Shannon and Stevens—10.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 205, 194, 174, 242, 123, 152 and 183 as correctly engrossed."

Report received and House Bills Nos. 205, 194, 174, 242, 123, 152 and 183 were placed on file for third reading.

By Lanstrum:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration House Bill No. 177, "A Bill for an Act to amend Section 16, Article XII of the Constitution of the State of Montana, providing for the assessment of property," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Mumbrue, report was adopted.

House Bill No. 177 was referred to Committee on Printing.

Also by Lanstrum:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration House Bill No. 218, "A Bill for an Act to require railroad companies to make reports of accidents occurring on their roads, providing penalties for failure to make reports and making such companies liable for injuries to their

employees," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Lanstrum, report was adopted.

House Bill No. 218 was referred to Committee on Printing.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 22nd, 1905.

To the Speaker of the House of Representatives:

You are hereby notified that I have approved House Joint Resolution No. 2 "Providing for the appointment of a Commission to examine into and report upon an adequate water supply for the State Capitol and Grounds."

Also House Bill No. 44,—"An Act to provide that the National Flag be unfurled, displayed and kept floating upon the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable flag-staff, and provide suitable flags therefor; and to provide for the payment of the necessary expenses incident thereto."

Also House Bill No. 114,—"An Act to amend Section 1961 of the Political Code of the State of Montana, relating to the issuance of school bonds."

Also House Bill No. 105,—"An Act to amend Sections 552, 553, 560, 566 and 567 of the Article XV, Chapter III of Title I of Part III of the Political Code of the State of Montana relating to the inspection of boilers, and to add thereto a new section to be known and numbered Section 570."

Also House Bill No. 85,—"An Act to provide for the extension of the boundaries of any incorporated city or town, so as to embrace and include contiguous platted tracts or parcels of land, and repealing Section 4726 of the Political Code of Montana."

Also House Bill No. 159,—"An Act appropriating money for the payment of deficiency claims for salaries of County Attorneys for the years 1903 and 1904."

Also House Bill No. 198,—"An Act appropriating money for the payment of deficiency claims of certain persons for supplies furnished the Meat & Milk Inspection Board."

Also Substitute for House Bill No. 19, "An Act to authorize cities and towns to create special improvement districts and to levy special assessments upon the property of each district for the purpose of defraying the cost of construction or acquiring a system of waterworks and of laying the extension to water mains."

Also House Bill No. 181,—"An Act appropriating money for the payment of deficiency claims of Coal Mine Inspector for expenses incurred."

Also House Bill No. 180,—"An Act appropriating money for the payment of deficiency claims for expense of Attorney General."

Also House Bill No. 160,—"An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Reform School.

Also House Bill No. 165,—"An Act appropriating the sum of $17,000 for the payment of claims of certain persons for monies advanced for the erection of permanent buildings and improvements on the property of the Montana State Fair."

Also House Bill No. 179,—"An Act appropriating money for the payment of deficiency claims of certain persons for rewards."

Also House Bill No. 166,—"An Act to appropriate money for the payment of deficiency claim of Mitchell & Mussigbrod for the care of patients in the Insane Asylum for the year 1904."

Also House Bill No. 162,—"An Act appropriating money for the payment of claims of certain persons for services rendered to the office of the Secretary of State."

Also House Bill No. 163,—"An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home. Twin Bridges, Montana."

Also House Bill No. 82,—"An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors, for the year 1905."

Also House Substitute for Senate Bill No. 2 and House Bill No. 4,—"An Act

to amend Sections 950 and 953, Title VIII, Chapter III, Part IV, Division I of the Civil Code of the State of Montana, relating to the liability of railway companies for the killing or injuring of live stock."

Respectfully,
J. K. TOOLE, Governor."

MOTIONS AND RESOLUTIONS.

By Bennett: House Joint Resolution No. 7. RESOLVED, by the Senate and House of Representatives of the State of Montana: That the President of the United States is entitled to our zealous support, and merits our earnest endorsement in his heroic struggle and untiring efforts to suppress trusts and monopolies, to prevent unlawful combinations of great corporate interests detrimental to public good, to enlarge the scope of the Inter-state Commerce Law for the welfare of the people, and to maintain the power and control by the general government of the gigantic corporations of the country.

RESOLVED, That the Secretary of State is hereby directed to transmit a copy of these Resolutions to the President of the United States, Theodore Roosevelt, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

House Joint Resolution No. 7 was read first and second times, and referred to Committee on Printing.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 33, A Bill for an Act entitled, "An Act Authorizing Justice of the Peace to Depute a Constable", having had the same under consideration, beg to report back to the House a Substitute for House Bill No. 33, being a Bill for An Act entitled, "An Act to amend Section 4318 of Article I, Chapter III, Part IV, Title II of the Political Code of the State of Montana, relating to County and Township Officers who may appoint deputies at discretion and Section 1688 of Chapter XII, Title XI of the Code of Civil Procedure of the State of Montana, relating to the appointment of Special Constables, as amended by House Bill No. 42 of the Session Laws of 1899, approved February 28th, 1899", and recommend that said Substitute for House Bill No. 33 do pass."

On motion by Ross, report was adopted.

Substitute for House Bill No. 33 was referred to Committee on Printing.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 196 and 220 as correctly engrossed."

Report received and House Bills Nos. 196 and 220 were placed on file for third reading.

THIRD READING OF HOUSE BILLS.

House Bill No. 123, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Carriher, Cone, Christian, Coleman, Collier, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Williams, Wiedeman, Wilson, Wood and Mr. Speaker—62.

Noes—Canoll and Wyman—2.

Absent and not voting—Burt, Dempster, Murray, Murphy, Potter, Reel, Richardson and Stevens—8.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 263, 278, 262, 275, 190, 106, 213, 264, 112, 193, 224, 229, 206, 209, 227, 234, 217, 274, 245, 8, 231, Substitute for House Bill No's. 15 and 104 and Substitute for House Bill No. 148, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 63, 278, 262, 275, 190, 106, 213, 264, 112, 193, 224, 229, 206, 209, 227, 234, 217, 274, 245, 8, 231, Substitute for House Bills No's. 15 and 104, and Substitute for House Bill No. 148 were placed on General Orders.

THIRD READING OF HOUSE BILLS.

House Bill No. 174, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Collier, Cone, Dempster, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not votnig—Bennett, Burt, Coleman, English, Everett, Leiper, Linderman, Murray, Potter, Richardson, Decker and Stevens—12.

Title agreed to.

House Bill No. 194, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Carriher, Christian, Coleman, Collier, Decker, Cone, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Kennedy, Lanstrum, Leiper, Metcalf, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Roach, Ross, Sales, Sanders, Sanden, Selway, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood and Mr. Speaker—51.

Noes—Canoll, Dempster, Hewett, Huntington, Johnston, Lannin, Meunier, Murphy, Reel, Roll, Schoonover, Shannon and Wyman—13.

Absent and not voting—Burt, English, Linderman, O'Brien, Potter, Richardson, Stevens and Wilson—8.

Title agreed to.

House Bill No. 242, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Buck, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Roll, Sales, Sanden, Selway, Sewell, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—Brigham, Fairbanks, Lannin, Lanstrum and Schoonover—5.

Absent and not voting—Burt, Leiper, Linderman, Murphy, O'Connor, Richardson, Roach, Ross, Sanders, Starz and Stevens—11.

Title agreed to.

House Bill No. 152, having been read three several times, was defeated by the following vote:

Ayes—Brewster, Buck, Christian, Coleman, Collier, Everett, Fairbanks, Hilman, Huntington, Kennedy, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Sales, Sanders, Schoonover, Sewell, Sykes, Wiedeman, Wilson and Mr. Speaker —23.

Noes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Canoll, Carriher, Decker, English, Geyman, Hayes, Hewett, Johnston, Lanstrum, Metcalf, Meunier, Mulroney, MacGinnis, O'Brien, Patten, Quigley, Reel, Roach, Roll, Ross, Sanden, Selway, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Williams, Wood and Wyman—36.

Absent and not voting—Burt, Cone, Dempster, Forsythe, Harrington, Lannin, Leiper, Linderman, Potter, Richardson, Stevens, Vandyck and Walker—13.

House Bill No. 183, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Decker, Everett, Fairbanks, Forsythe, Geyman, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Wiedeman, Wood, Wyman and Mr. Speaker—54.

Noes—Blake, Harrington, Sewell and Wilson—4.

Absent and not voting—Burt, Carriher, Cone, Dempster, English, Leiper, Linderman, Mulroney, Richardson, Starz, Stevens, Vandyck, Walker and Williams—14.

There being no objection, on suggestion by Kennedy, Mr. Speaker instructed the Chief Clerk to add the following to the Title of House Bill No. 183: "Relating to Inspection of Mines."

Title, as amended, agreed to.

House Bill No. 220, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Everett, Fairbanks, Geyman, Harrington, Hayes, Hewett, Johnston, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—57.

Noes—Bennett, Hilman, Forsythe and Huntington—4.

Absent and not voting—Burt, Dempster, English, Kennedy, Lannin, Leiper, Potter, Richardson, Sanders, Starz and Wilson—11.

Title agreed to.

House Bill No. 205, having been read three several times, Bennett moved that the enacting clause be stricken out.

Roll was called and the motion to strike out the enacting clause of House Bill No. 205 was lost by the following vote:

Ayes—Bennett, Bembrick, Blankenship, Brigham, Buck, Canoll, Carriher, Christian, Collier, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Murphy, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Shannon, Sullivan of Lewis and Clarke and Teskey—29.

Noes—Blake, Brewster, Coleman, Dempster, Geyman, Hewett, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, Patten, Ross, Sales, Schoonover, Selway, Sewell, Starz, Sullivan of Jefferson, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—35.

Absent and not voting—Burt, Lannin, Potter, Richardson, Sanders and Stevens—6.

Paired—Berry and Cone—2.

House Bill No. 205 was passed by the following vote:

Ayes—Blake, Brewster, Coleman, Dempster, Geyman, Hewett, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, Patten, Ross, Schoonover, Selway, Sewell, Starz, Sullivan of Jefferson, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—33.

Noes—Bennett, Bembrick, Blankenship, Brigham, Buck, Canoll, Carriher, Christian, Collier, Decker, English, Everett, Fairbanks, Forsythe, Harrington,

Hayes, Hilman, Huntington, Johnston, Murphy, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Shannon, Sullivan of Lewis and Clarke, Teskey and Wyman—30.

Paired—Berry and Cone—2.

Absent and not voting—Burt, Lannin, Potter, Richardson, Sales, Sanders and Stevens—7.

Title agreed to.

House Bill No. 196, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Burt, Lanstrum, O'Brien, Potter, Richardson, Sales, Sanders, Sullivan of Jefferson and Williams—9.

Title agreed to.

On motion by Johnston, the third reading of House Bill No. 27 was deferred until February 25th, 1905.

On motion by Linderman, at 12:33 P. M., the House took a recess until 2:15 P. M.

AFTERNOON SESSION.

House re-assembled at 2:15 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Mr. Speaker excused Burt.

COMMUNICATIONS AND PETITIONS.

Petitions were received from various citizens of the State, praying for the passage of House Bill No. 216.

INTRODUCTION OF BILLS.

Leiper requested unanimous consent to introduce a Bill, on behalf of the Committee on Privileges and Elections, without having given previous notice. Granted.

The following Bill was introduced and placed on file:

By Committee on Privileges and Elections: H. B. No. 286. A Bill for an Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department and providing for direct legislation and reference of laws.

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 286, read first and second times, and referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Murray: H. B. No. 287. A Bill for an Act to amend Sections 12 and 15 of the Code of Civil Procedure relating to the Supreme Court, and providing for two additional Justices of said Court, and fixing the terms of the additional Justices, and providing for the election of their successors, and designating the persons who shall hold the office of additional Justices for the first term.

Mumbrue objected to the introduction of the bill.

The question occurring of the rejection of the bill, the bill was not rejected by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Buck, Christian, Collier, Cone, Fairbanks, Harrington, Linderman, Metcalf, Mulroney, Mumbrue, Macdonald,

Quigley, Reel, Roach, Roll, Ross, Schoonover, Selway, Stevens, Sykes, Vandyck, Williams and Wilson—27.

Noes—Berry, Bembrick, Brigham, Canoll, Carriher, Coleman, Decker, Dempster, English, Everett, Forsythe, Geyman, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Meunier, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Richardson, Sales, Sanden, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood, Wyman and Mr. Speaker—42.

By Dempster: H.. B. No. 288. A Bill for an Act defining the time of beginning and ending of a day's work in underground mines.

By Berry: H. B. No. 289. A Bill for an Act entitled "An Act to regulate the practice of telegraphy in Montana and to establish the office of Telegraph Examiner."

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Vandyck:

"Mr. Speaker:

Your Committee on Insurance, having had under consideration Senate Bill No. 51, introduced by McCarthy, A Bill for an Act to authorize the organization of Mutual Hail and Fire Insurance Companies, report back to the House with the recommendation that same be concurred in."

On motion by Vandyck, report was adopted.

Senate Bill No. 51 was placed on General Orders.

Also by Vandyck:

"Mr. Speaker:

Your Committee on Insurance, to which was referred House Bill No. 195, introduced by Sales, A Bill for an Act to authorize the organization of Mutual Hail and Fire Insurance Companies, having had same under consideration report back to the House with the recommendation that it be indefinitely postponed."

On motion by O'Connor, report was adopted.

"Mr. Speaker:

We, a majority of your Committee on Privileges and Elections, having had under consideration Senate Bill No. 28, Introduced by Brennen, A Bill for an Act to amend Sections 1270, 1355, 1360, 1407, 1408, 1410, 1412, 1413, and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361 of the same Code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7, 1901, Relating to Ballots, Voting and Election Returns, and Providing further protection to the Voter while preparing his Ballot and Casting the same", beg to report the same back with the recommendation that it do pass.

F. P. LEIPER,
E. C. MULRONEY,
H. N. BLAKE,
C. L. MURRAY,
E. STARZ,
EVERETT,
W. A. REEL."

Blake moved to adopt the report.

Substitute motion, by Walker, that Senate Bill No. 28 be indefinitely postponed.

Lanstrum requested a roll call.

Lanstrum, duly second, moved for a Call of the House.

Roll was called and all members found present except Burt and Potter.

On motion by Lanstrum, further proceedings under the Call of the House were dispensed with.

The question recurring on the Substitute motion that Senate Bill No. 28 be indefinitely postponed. the Substitute motion was lost by the following vote:

Ayes—Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Roach, Roll, Sanden, Schoonover, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—31.

Noes—Bennett, Blake. Brewster, Brigham. Buck, Carriher, Christian, Cone, Decker, English, Everett. Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Reel, Richardson, Ross, Sales, Sanders, Selway, Sewell, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—38.

Paired—Bembrick and Burt—2.

Absent—Potter—1.

Original motion carried. Report of Majority of the Committee on Privileges and Elections adopted and Senate Bill No. 28 was placed on General Orders.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 287, read first and second times, and referred to Committee on Judiciary.

H. B. No. 288, read first and second times, and referred to Committee on Labor.

H. B. No. 289, read first and second times, and referred to Committee on Improvements and Manufacturing.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Walker, by Request: H. B. No. 290. A Bill for an Act entitled "An Act relating to number of assistants allowed treasurers in Counties of the First Class and fixing the compensation allowed to said deputies and assistants in counties of the First Class."

By Everett: H. B. No. 291. A Bill for an Act to amend Section 2 of an Act entitled "An Act to amend Sections 1737, 1742, and 1910 of the Political Code of the State of Montana, relating to Public Schools; also Section 1756, Subdivision 15 of Section 1797, and Subdivision 3 of Section 1830, relating to Public Schools as said Sections are now in force after amendment by Act of the Fifth Legislative Assembly, approved March, 1887: All of the foregoing Sections being contained in Part 3, Title 3, Chapter 6, of the Political Code" as said Sections are now in force after amendment by act of the Seventh Legislative Assembly of the State of Montana, approved March 14th, 1901.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 290, read first and second times, and referred to Committee on Judiciary.

H. B. No. 291, read first and second times, and referred to Committee on Judiciary.

Dempster moved that the vote, taken Tuesday, February 21st, upon House Bill No. 258, be reconsidered.

Substitute motion by Kennedy, that the Dempster motion to reconsider the vote on House Bill No. 258, be made a Special Order of Business for 2 P. M. tomorrow, the 24th Instant.

On motion by Lanstrum, at 3:15 P. M., the House took a recess until 3:30 P. M.

House re-assembled at 3:30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Mr. Speaker announced: "The question before the House is the substitute motion offered by Kennedy."

Wyman, duly seconded, asked for a Call of the House.

Roll called and all members present except Burt and Potter.

On motion by Linderman, further proceedings under the Call of the House were postponed.

Substitute motion, by Kennedy, was carried by the following vote:

Ayes—Berry, Blankenship, Canoll, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—35.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Carriher, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe. Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Richardson, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman. Williams, Wilson and Mr. Speaker—34.

Paired—Bembrick and Burt—2.

Absent—Potter—1.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of General Orders until it should see fit to arise.

Selway in the chair.

House resumed.

Mr. Speaker in the chair.

On motion by Lanstrum, the report of the Committee of the Whole was considered read and adopted.

Selway, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 39, Introduced by Maddox, A Bill for an Act entitled, "An Act amending Title XII, of Chapter XIV, Part III, Article III, of the Code of Civil Procedure of the State of Montana, relating to the powers and duties of guardians by adding two Sections thereto, to be known as Sections 2989 and 2990," reports same back to the House with the recommendation that it be concurred in."

Also having had under consideration Senate Bill No. 50, Introduced by Committee on Judiciary, A Bill for an Act entitled, "An Act to amend Section 32 of the Code of Civil Procedure of the State of Montana, as amended by an Act approved March 11, 1901, entitled, "An Act to amend Section 32, Title 1, Part 1, Chapter IV of the Code of Civil Procedure, and to provide for an additional Judge for the Second Judicial District of the State of Montana," providing for the number of Judges of the several District Courts of the State of Montana," reports same back to the House with the recommendation that it be not concurred in.

Also having had under consideration Substitute for Senate Bill No. 15, Introduced by Committee on Stock Growing and Grazing, A Bill for an Act entitled, "An Act to foster, develop, protect, and promote the Sheep Industry of the State of Montana, and to appoint a Board of Sheep Commissioners and appoint Inspectors, and Deputy Inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith," and to repeal an Act entitled, "An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties," approved March 5, 1897, and Section 3030 to Section 3046, inclusive, of the Political Code covering the same subject," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Substitute for Senate Bill No. 19, Introduced by Judiciary Committee, A Bill for an Act to amend Section 4604 of the Political Code of Montana, relating to compensation of Sheriffs, and to repeal Section 2977 of the Penal Code of Montana, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 47, Introduced by Maddox, A Bill for an Act entitled, "An Act to amend Section 3866 of the Civil Code of the State of Montana relating to the renewal of mortgages of personal property, as amended by Senate Bill No. 46, Session of 1903, approved March 4, 1903," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 30, Introduced by Albright, A Bill for an Act enttiled "An Act to amend Section 1000 of the Civil Code of the State of Montana," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 8, Introduced by Miles, A Bill for an Act to amend Section 4024 of the Political Code of the State of Montana, relating to the Protest of Taxes, and providing for an Act at Law to recover taxes paid under protest, by adding thereto a Section to be known as Section 4024 A, relating to Assessment and Collection of Taxes, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 46, Introduced by Maddox,

A Bill for an Act to amend Section 20 of an Act entitled, "An Act to establish a tax on direct and collateral Inheritances, Bequests and Devices, to provide for its collection and direct the disposition of its proceeds," approved March 4, 1897, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 55, Introduced by White, A Bill for an Act requiring State Officers, officials and persons in charge of State Institutions to make out quarterly reports of property in their charge and file same, and providing penalties for failure to do so, reports same back to the House with the recommendation that it be concurred in, with the following amendments:

Amend Section 1, line 2, by inserting after the word "institution" the words "other than educational."

Amend Section 1, line 3, by striking out the word "quarterly" and inserting in lieu thereof the word "semi-annual."

Amend Section 1, line 6, by striking out the words "during quarter."

Also having had under consideration House Bill No. 168, Introduced by Sewell, A Bill for an Act to amend Section 540 of the Penal Code of the State of Montana, relating to Public Morals, reports same back to the House with the recommendation that it be made a Special Order for Monday, P. M., February 27th, 1905.

Also having had under consideration House Bill No. 191, Introduced by Blake, A Bill for an Act to amend Section 1903 of the Political Code of the State of Montana, as amended by Senate Bill No. 44, Session of 1897, relating to the attendance of teachers at institutes, and the duties of School Trustees in the matter of closing their schools during the session of the county institute for teachers, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1903 by striking out the last sentence in the first paragraph thereof.

Amend Section 1, line 22, by striking out the word "him" and inserting in lieu thereof the words "said teachers."

Amend Section 1, line 16, by inserting after the word "close" the words "his or."

Amend Section 1, line 21, by inserting after the word "his" the words "or her."

Also having had under consideration House Bill No. 141, Introduced by Mulroney, A Bill for an Act entitled "An Act better to secure the safety of operatives and passengers upon railroad trains, and providing a penalty for the violation thereof," reports same back to the House with the recommendation that it do pass."

Report adopted.

House Substitute for Senate Bill No. 19 was referred to Committee on Engrossment.

House Bills Nos. 191, with amendments, and 141, were referred to Committee on Engrossment.

Senate Bills Nos. 39, 47, 30, 8, 46, 55, as amended, and Substitute for Senate Bill No. 15 were placed on file for third reading.

House Bill No. 168 was made a special order for Monday P. M.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 23rd day of February, 1905:

House Bill No. 167, An Act to amend Section 1091 of the Penal Code of the State of Montana, relating to Cruelty to Animals.

Also House Bill No. 180, An Act making it a misdemeanor to give False Information to a Newspaper or other Publication; to provide for its enforcement and a Penalty for its Violation.

Also House Bill No. 62, An Act to Add to Part III, Title V, Chapter IV, of the Political Code of the State of Montana, relating to the Soldiers' Home; an Additional Section to be Designated Section 2532, relating to the appointment of a Chaplain and Providing for his Compensation and Payment.

Also House Bill No. 149, An Act to amend Section 3848 of the Civil Code of Montana, relating to the Satisfaction of Mortgages.

Also House Bill No. 10, An Act to Add to Part III, Title V, Chapter IV, Article IV, of the Political Code of Montana, relating to the Soldiers' Home, an Additional Section to be designated Section 2531, relating to the Employment therein of the Inmates thereof, and Providing for their Compensation and Payment.

Also House Bill No. 58, An Act Creating the Thirteenth Judicial District, to be composed of the Counties of Rosebud and Yellowstone, and Providing for the appointment of a Judge thereof.

Also House Bill No. 39, An Act Appropriating money for the completing, furnishing, and equipping of the building for Feeble-Minded at the Montana School for the Deaf and Blind, at Boulder, Montana, and for the erection and equipment of an additional building which will contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind at Boulder, Montana."

Mr. Speaker announced that he was about to sign House Bill No. 58, An Act Creating the Thirteenth Judicial District of the State of Montana, to be composed of the counties of Rosebud and Yellowstone, and Providing for the Appointment of a Judge thereof.

Also House Bill No. 10, An Act to Add to Part III, Title V, Chapter IV, Article IV of the Political Code of Montana, Relating to the Soldiers' Home, an Additional Section to be designated Section 2531, Relating to the Employment therein of the Inmates thereof, and Providing for their Compensation and Payment.

Also House Bill No. 167, An Act to amend Section 1091 of the Penal Code of the State of Montana, relating to Cruelty to Animals.

Also House Bill No. 39, An Act Appropriating Money for the completing, furnishing and equipping of the Building for Feeble Minded at the Montana School for the Deaf and Blind, at Boulder, Montana, and for the erection and equipment of an additional building, which will contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind at Boulder, Mont.

Also House Bill No. 189, An Act entitled, An Act making it a Misdemeanor to give False Information to a Newspaper or other Publication; to Provide for its Enforcement, and a Penalty for its Violation.

Also House Bill No. 62, An Act to Add to Part III, Title V, Chapter IV, Article IV, of the Political Code of the State of Montana, relating to the Soldiers' Home, an Additional Section to be Designated Section 2532, Relating to the Appointment of a Chaplain and Providing for his Compensation and Payment.

Also House Bill No. 149, An Act to amend Section 3848 of the Civil Code of Montana, relating to the Satisfaction of Mortgages.

MOTIONS AND RESOLUTIONS.

Dempster moved that House Bills Nos. 139 and 172 be placed upon General Orders.

Motion lost; Ayes, 23; Noes, 24.

By Lanstrum:

House Joint Resolution No. 8:

WHEREAS, It is proper that upon at least one day in each year the American people concentrate their best thoughts upon means for the betterment of social, industrial and political conditions affecting the farms, the cities, the homes and the varied industries of our country, to the end that "government of the people, by the people and for the people shall not perish from the earth;" and,

WHEREAS, Special privileges are the foundation of "Graft" in business, in politics and in government; and

WHEREAS, The following named reforms are now of paramount importance to the people of the United States, to-wit:

1. An amendment to the Federal Constitution providing for the Initiative and Referendum.

2. The administration of transportation and all means of communication with "equal justice to all, special privileges to none."

3. Government authority over railways and all other means of transportation and communication, including oil pipe lines, sufficient to abolish unjust rates and insure the "square deal for every man."

4. A parcels post, by which packages up to eleven (fifteen) pounds weight

may be collected transported by mail and delivered at one-half the existing rates of postage, with a local parcels post at still lower rates.

5. Post check currency whereby $1.00, $2.00 and $5.00 bills, and certificates for fractional parts of a dollar, may for postal and mailing purposes be converted at will into checks payable only to the person or party whose name is written upon the face thereof; and when not so used, the bills to be payable to bearer and to pass current as at present.

THEREFORE BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring, that February 22nd, Washington's Birthday, be, and the same is hereby designated as Farm, Home and Factory Day; and be it further

RESOLVED, That the Representative in Congress and the United States Senators from the State of Montana are hereby requested to advocate the above named reforms, to the end that they may be put into full force and effect without undue delay.

READING OF HOUSE BILLS, RESOLUTIONS, ETC.

House Joint Resolution No. 8, read first and second times, and referred to the Committee on Printing.

REPORTS OF SELECT COMMITTEES.

The following report was received:

"Mr. Speaker:

We, your Committee appointed to visit the University of Montana, beg leave to submit the following report:

We visited this Institution the 19th day of February and made careful inspection of the buildings, grounds, equipment and needs of the University.

The grounds are well laid out. Well arranged drives, walks and lawns make the grounds beautiful and attractive. There is an abundant water supply of the best quality. Over a thousand trees have been planted and are in excellent condition. The sewerage system is excellent and well maintained.

There are four substantial and commodious buildings. These we found to be in excellent condition, with every evidence that they are well cared for. They have been preserved in a neat and untarnished condition.

The system of heating and ventilation is efficient and economical.

The equipment and also the furnishings of the buildings are of the most modern type, but additional equipment is badly needed to do the work already in progress. More cases are needed in the library for the proper storage of books and also in the museum for the arrangement of material.

In our judgment what the University most needs is more room for books, for material, for class room and also additional teaching force.

There is not a nook or corner of the present buildings that is not fully occupied. Many of the members of the Faculty have more work to do in their departments than they are able to do as it ought to be done.

We earnestly recommend that the appropriation of $51,755.00 for each of the Legislative years ending December 1st, 1905, and December 1st, 1906, as approved by the Montana State Board of Education, be granted.

We also recommend that as soon as the finances of the State will permit, at once if possible, an additional building for library and museum purposes be constructed.

Your Committee sincerely believe that unless the above recommendations are carried out that the high standing and efficiency already attained by the University will be seriously impaired.

We especially commend the wise and economical expenditure of the funds already granted to the University. We believe that the State had received its full equivalent for all money expended at the University.

All of which is respectfully submitted.

J. C. McCARTHY, Chairman Joint Committee.
A. D. MACDONALD,
HAROLD N. BLAKE."

On motion by Blake, report was adopted.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 270, 208, 259, 269, 265, and 266 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 270, 208, 259, 269, 265, and 266 were referred to General Orders.

On motion by Lanstrum, at 5:40 P. M., the House adjourned until 10 A. M. tomorrow.

.....

Speaker.

.....

Chief Clerk.

FIFTY-FOURTH DAY

Friday, February 24th, 1905.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Reverend Charles F. Richardson, of Great Falls.

Roll called. All present except Burt, Hewett and Sullivan of Lewis and Clarke.

Mr. Speaker excused Burt.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

"Helena, Montana, Feb. 23rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 127 and 182 were today not concurred in and are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 23rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second times:

Senate Bill No. 84, by Bielenberg: A Bill for an Act to regulate the speed and operation of Automobiles and Motor Vehicles on Highways.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 23rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of the following Bills were today given:

By Brennen: A Bill providing for the licensing of telegraphers and creating the office of Telegraph Examiner.

By Maddox: A Bill relating to injunctions without notices against the operating of mining claims.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 23rd, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 247 is hereby returned to you as per your request.

Respectfully,
C. E. WIGHT, Secretary."

House Bill No. 247 was re-referred to General Orders.

A petition was received from various citizens and taxpayers of the State praying for the passage of Substitute for House Bills Nos. 15 and 104. Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

Selway reported as follows:

"Mr. Speaker:

Your Committee on Internal Improvements having had under consideratino House Bill No. 137, entitled An Act to Amend Section 1096 of Chapter 15 of the Penal Code relating to Cruelty to Animals, refer the same back to the House with the recommendation that the same be printed and placed on General Orders."

On motion by O'Connor, report was adopted.

House Bill No. 137 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following Bill was introduced and placed on file:

By Committee on Appropriations: H. B. No. 292, A Bill for an Act entitled, "An Act making Appropriations for the Executive and Judicial Departments of the State Government of State Institutions for the fiscal year ending November 30, 1905.

READING OF HOUSE BILLS.

H. B. No. 292, read first and second times, and referred to Committee on Printing.

THIRD READING OF SENATE BILLS.

On motion by Wyman, all Bills, except Appropriations Bills, were read third time by title only.

Senate Bill No. 39, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Carriher, Christian, Collier, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Reel, Roll, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sykes, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—50.

Noes—None.

Absent and not voting—Burt, Canoll, Coleman, Cone, Decker, Dempster, Hewett, Metcalf, Meunier, Mulroney, MacGinnis, Potter, Quigley, Richardson, Roach, Ross, Sales, Sanders, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Walker and Williams—22.

Title agreed to.

Substitute for Senate Bill No. 15, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Collier, Decker, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roll, Sales, Sanden, Schoonover, Selway, Sewell, Starz, Stevens, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Burt, Coleman, Cone, Dempster, English, Hewett, Mumbrue, Murray, MacGinnis, Potter, Roach, Ross, Sanders, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, and Walker—17.

Title agreed to.

Senate Bill No. 47, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murphy, Macdonald,

O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Burt, Coleman, Collier, Cone, Dempster, Hewett, Mulroney, Murray, MacGinnis, Potter, Roach, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, and Walker—15.

Title agreed to.

Senate Bill No. 30, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Carriher, Christian, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—54.

Noes—None.

Absent and not voting—Brewster, Burt, Coleman, Collier, Cone, Decker, Dempster, Everrett, Hewett, Mulroney, MacGinnis, O'Brien, Potter, Roach, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey and Walker—18.

Title agreed to.

Senate Bill No. 8, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mumbrue, Murray, Macdonald, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—50.

Noes—Mulroney—1.

Absent and not voting—Burt, Coleman, Collier, Cone, Decker, Dempster, Everett, Hewett, Meunier, Murphy, MacGinnis, Potter, Roach, Sales, Selway, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey and Walker—21.

Title agreed to.

Senate Bill No. 46, having been read three several times, was concurred in by the following vote:

Ayes—Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Cone, Decker, English, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, Mumbrue, Patten, Potter, Quigley, Reel, Richardson, Sanden, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—40.

Noes—Bennett, Carriher, Fairbanks, Kennedy, Meunier, Murphy, O'Connor, Ross, Schoonover, Shannon and Wyman—11.

Absent and not voting—Berry, Burt, Christian, Coleman, Collier, Dempster, Everett, Hewett, MacGinnis, Macdonald, O'Brien, Roach, Roll, Sales, Sanders, Selway, Sewell, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey and Walker—21.

Title agreed to.

Senate Bill No. 55, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Decker, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Starz, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—50.

Noes—None.

Absent and not voting—Burt, Carriher, Coleman, Collier, Cone, Dempster, Everett, Hewett, Kennedy, Lanstrum, Murray, MacGinnis, Macdonald, O'Brien,

Roach, Selway, Sewell, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey and Walker—22.

On motion by Blake, the title was amended as follows:

Strike out the word "quarterly" and insert in lieu thereof the word "semi-annual."

On motion by Bennett, the Chief Clerk was instructed to change the title to conform with the Bill.

Title, as amended, agreed to.

GENERAL ORDERS.

On motion by Kennedy, the House resolved itself into a Committee of the Whole, for the consideration of Bills on General Orders.

Sales in the Chair.

House resumed.

Mr. Speaker in the chair.

Wyman moved that when the House adjourn, it adjourn until 1:50 P. M. Carried.

Blake moved to grant the Committee of the Whole further time to report. Carried.

On motion by O'Connor at 12:35 P. M. the House took a recess until 1:50 P. M.

AFTERNOON SESSION.

House re-assembled at 1:50 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Mr. Speaker excused Burt.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Numbers 273, 286, 257, 268 and Substitute for House Bill 223 have been returned correctly printed and are ready for general orders."

Report received and House Bills Nos. 273, 286, 257, 268 and Substitute for House Bill No. 223 were placed on General Orders.

By Ross:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 288, "A Bill for an act defining the time of Beginning and Ending of a day's work in underground Mines," refer the same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Bill No. 288 was referred to Committee on Printing.

By Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 284, A Bill for an Act entitled, "An Act requiring corporations doing business in the State of Montana to pay an annual license fee," beg leave to report same back to the House with the following amendment:

In Section 1 strike out the words "except fire, marine, fire and marine, life, accident, life and accident, plate glass, steam boiler insurance companies and surety companies."

On motion by Bennett, report was adopted.

House Bill No. 284, with amendment, was referred to Committee on Printing

Also by Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 282, A Bill for an Act entitled "An Act to impose a license tax on express companies," beg leave to report same back to the House with the recommendation that it do pass with the following amendment:

In Section 1, strike out the words "two and one-half per cent" and insert in lieu thereof the words "one per cent."

On motion by Blake, report was adopted.

House Bill No. 282, with amendment, was referred to Committee on Printing.

Also by Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 283, "A Bill for an Act to Impose a License Tax on Companies operating Sleeping or Parlor Cars," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Bennett, report was adopted.

House Bill No. 283 was referred to Committee on Printing.

REPORTS OF SELECT COMMITTEES.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Thursday, February 23rd, and believe same to be correct."

On motion by Sales, report was adopted.

Sales, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 28, Introduced by Brennen, A Bill for an Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, 1413 and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361, of the same Code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7, 1901, Relating to Ballots, Voting and Election Returns and Providing Further Protection for the Voter While Preparing his Ballot and Casting the Same, reports same back to the House with the recommendation that it be concurred in with the following amendments:

Amend Section 2, line 34, by inserting after the word "him" the following:

"Unless he declines in writing one or more of such nominations or by written election indicates the party designation under which he desires his name to be printed on the ballot as hereinafter provided."

Amend Section 4, line 97, by inserting after the word "Chapter," the words "and shall write on the stub the initials of their respective names."

Amend Section 9, line 148, by striking out the word "twelve" and inserting in lieu thereof the word "six."

Amend Section 10, line 153, by striking out the word "twelve" and inserting in lieu thereof the word "six."

Also having had under consideration Senate Bill No. 51, Introduced by McCarthy, A Bill for an Act to authorize the organization of Mutual Hail and Fire Insurance Companies, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 263, Introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under the provisions of Section 3005 and 3006, of the Political Code," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, by inserting after line 31 the words "Eigeman and Jacot $150.00, and by changing in line 32 the figures "9722.00" to "9872.00."

Amend Section 1, lines 1 and 2, by striking out "Nine Thousand, Seven Hundred Twenty-two Dollars ($9722.00)" and inserting in lieu thereof "Sixteen Thousand, Two Hundred Thirty-eight Dollars ($16238.00)."

Amend Section 1 by striking out all after line 5, and inserting in lieu thereof the following:

"Ingalls, Percy	$1220.00
Taylor, J. B.	195.00
McIver, K. B.	550.00
Cox, Geo. B.	1140.00
Roesti, Godfrey	70.00

Wagner, Louis	120.00
Boone, J. S.	65.00
Melton, C.	90.00
Connolly, James	675.00
Fitzpatrick & Watt	25.00
Anderson, Geo.	290.00
Rodoni, Sam	25.00
Benepe-Owenhouse Co.	37.00
Walker & Sons	115.00
Altmeyer, J.	30.00
Ballow, C. A.	340.00
Courtenay Bros.	595.00
Para, Bart	1030.00
Venetz, Adolph	155.00
Brass, Herman	60.00
Hutchison, F. D.	225.00
Quast, Otto	300.00
Wright, Hugh	640.00
Beninger, Wm.	110.00
Simon, Nat	25.00
Irvine, W. L.	7921.00
Eigeman & Jacot	180.00
Total	$16238.00"

Also having had under consideration House Bill No. 247, Introduced by the Committee on Appropriations, A Bill for an Act making Appropriations for the Incidental Expenses of the Ninth Legislative Assembly of the State of Montana. reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 3, by striking out all the remaining Section after the word "appropriated" and inserting in lieu thereof the following:

"To pay the per diem of the officers and attaches of the Ninth Legislative Assembly of the State of Montana."

On motion by Canoll, report was adopted.

Senate Bills Nos. 28, with amendments, and 51, were placed on file for third reading.

House Bills No. 263, and 247, with amendments, were referred to the Committee on Engrossment.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Christian:

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration House Bill No. 280, A Bill for an Act entitled, "An Act to create and provide a disability fund for paid Fire Departments in Cities or Towns, and to amend 'An Act providing that Taxes received from Fire Insurance Companies, Corporations and Associations doing business in the State of Montana be applied to the Maintenance of Fire Departments," approved March 7th, 1903, beg to report same back to the House with the recommendation that it do pass."

On motion by Carriher, report was adopted.

House Bill No. 280 was referred to Committee on Printing.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 141, House Substitute for Senate Bill No. 19 and House Bill No. 191 as correctly engrossed."

Report received and House Bills Nos. 141, 191 and House Substitute for Senate Bill No. 19 were placed on file for third reading.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 24th day of February, 1905:

House Bill No. 101, An Act to amend an Act entitled, "An Act to regulate the Practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to Establish a Board of Osteopathic Examiners, and to Punish persons violating the provisions of this Act," approved February 26, 1901.

Also House Bill No. 120, An Act entitled an Act to repeal Sections 15, 19, 20, 21, 22, and 23 of an Act entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to Provide for the Appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and Defining their powers and duties and Providing for their compensation," approved March 18th, 1901, and to Provide for the Licensing of resident and non-resident sportsmen and hunters; to Fix prices on shipping permits; to Furnish the State Game and Fish Warden with a clerk; to Classify packers as guides; to Provide for the disposition of moneys in the Fish and Game Fund; and to Provide Penalties for the violation of the provisions of this Act."

Mr. Speaker announced that he was about to sign House Bill No. 120, An Act to Repeal Sections 15, 19, 20, 21, 22 and 23 of an Act entitled, "An Act to repeal Sections 3100. 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to Provide for the Appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and Defining their powers and duties and Providing for their compensation," approved March 18th, 1901, and to provide for the licensing of resident and non-resident sportsmen and hunters; to Fix Prices on shipping permits; to Furnish the State Game and Fish Warden with a clerk; to classify packers as guides; to provide for the Disposition of moneys in the Fish and Game Fund; and to Provide Penalties for the violation of the provisions of this act.

Also House Bill No. 101, An Act to regulate the Practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in the State, and to Establish a Board of Osteopathic Examiners, and to Punish persons violating the provisions of this Act, and to Repeal House Bill No. 38 of the Seventh Legislative Assembly of the State of Montana, Approved February 26th, 1901.

Also by Cone:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 24th day of February, 1905, at the hour of 2:20 P. M. delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 101 and 120."

Also by Cone:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 24th day of February, 1905, at the hour of 11:40 A. M. delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 167, 189, 62, 149, 10, 58, 39."

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Mulroney: H. B. No. 293, A Bill for an Act to amend Sections 1 and 2 of an act to create the Montana State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor, approved Feb. 17, 1899, as amended by Chapter CIX of the Eighth Legislative Assembly.

By Committee on Appropriations: H. B. No. 294, A Bill for an Act to enable the State Board of Land Commissioners through the State Engineer's Office to investigate the feasibility of irrigating State Lands; to determine the available water supply; to appropriate water for said lands; and making an appropriation for field and office expenses of such work.

SPECIAL ORDER OF BUSINESS.

Mr. Speaker announced that the hour of 2 o'clock having arrived, the clerk would now call the roll upon the motion to reconsider the vote upon the final passage of House Bill No. 258.

The motion to reconsider the vote upon the final passage of House Bill No. 258 was carried by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Dempster, Geyman, Harrington, Hayes, Collier, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—40.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Carriher, Christian, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—29.

Dempster moved that the third reading of House Bill No. 258 be deferred until Monday.

Substitute motion by Everrett, that House Bill No. 258 be now placed upon its final passage.

Lanstrum moved the previous question. Carried.

Substitute motion carried; Ayes 36; Noes 32.

House Bill No. 258, having been read three several times, failing to receive a two thirds vote of the membership of the House was defeated by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Christian, Coleman, Collier, Cone, Dempster, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wilson, Wood, Wyman, and Mr. Speaker—45.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Carriher, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Leiper, Metcalf, Mumbrue, Murray, Patten, Potter, Sales, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman and Williams—26.

Absent and not voting—Burt—1.

READING OF HOUSE BILLS.

H. B. No. 293, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 294, read first and second times, and referred to Committee on Printing.

GENERAL ORDERS.

On motion by Hewett, the House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 286.

Macdonald in the Chair.

House resumed.

Mr. Speaker in the chair.

On motion by Lanstrum, the report of the Committee of the Whole was considered read and adopted.

Macdonald from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 286, Introduced by Committee on Privileges and Elections, A Bill for "An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation and reference of Laws," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend the Bill by striking out the word "registered" wherever occurring in the Bill before the word "voters" and inserting the word "legal" in lieu thereof.

Amend Section 1, by striking out the words "not less than" and "at least" wherever occurring before "blank per cent" or before fractions of counties.

Amend Section 1, line 33, by adding after the word "people," the word "by the Legislative Assembly or by Initiative or Referendum Petitions."

Amend Section 1, line 30, by striking out the words "ninety days" and inserting in lieu thereof the words "six months."

Report adopted.

On motion by Lanstrum, the rules were suspended and House Bill No. 286 was placed upon its third reading.

House Bill No. 286, Introduced by Committee on Privileges and Elections, A Bill for "An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation and reference of Laws."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana, at the next general election, the following amendment to Section I, Article V, of the Constitution of the State of Montana:

That Section I, Article V, of the Constitution be, and the same is hereby amended so as to read as follows:

"Section 1. The Legislative Authority of the State shall be vested in a Legislative Assembly, consisting of a Senate and House of Representatives; but the people reserve to themselves power to propose laws, and to enact or reject the same at the polls, except as to laws relating to appropriation of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this Constitution, independent of the Legislative Assembly; and also reserve power at their own option, to approve or reject at the polls, any Act of the Legislative Assembly, except as to laws necessary for the immediate preservation of the public peace, health or safety, and except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this Constitution.

The first power reserved by the people is the Initiative, and eight per cent of the legal voters of the State shall be required to propose any measure by petition; provided, that two-fifths of the whole number of the counties of the State must each furnish as signers of said petition eight per cent of the legal voters in such county, and every such petition shall include the full text of the measure so proposed. Initiative petition shall be filed with the Secretary of State, not less than four months before the election at which they are to be voted upon.

The second power is the Referendum, and it may be ordered, either by petition signed by five per cent of the legal voters of the State, provided that two-fifths of the whole number of counties of the State must each furnish as signers of said petition five per cent of the legal voters in such county, or by the Legislative Assembly as other bills are enacted. Referendum petitions shall be filed with the Secretary of State, not later than six months after the final adjournment of the Session of the Legislative Assembly which passed the bill on which the Referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people by the Legislative Assembly or by Initiative or Referendum petitions.

All elections on measures referred to the people of the State shall be had at the biennial regular general election, except when the Legislative Assmbly, by a majority vote, shall order a special election. Any measure referred to the people shall still be in full force and effect unless such petition be signed by fifteen per cent of the legal voters of a majority of the whole number of the counties of this State, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law.

The whole number of votes cast for Governor at the regular election last preceding the filing of any petition for the Initiative or Referendum, shall be the basis on which the number of legal petitions and orders for the Initiative and for the Referendum shall be filed with the Secretary of State; and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the Act submitting this amendment, until legislation shall be especially provided therefor.

The enacting clause of every law originated by the Initiative shall be as follows:

"BE IT ENACTED BY THE PEOPLE OF MONTANA."

This Section shall not be construed to deprive any member of the Legislative Assembly of the right to introduce any measure.

Section 2. That separate Official Ballots be used at the general election, to be held in November, 1906, and shall have printed thereon the words: "For the Amendment to the Constitution providing for Direct Legislation and reference of Laws," and the words: "Against the Amendment to the Constitution providing for Direct Legislation and reference of Laws."

It shall be the duty of the Legislative Assembly to enact Legislation suitable for carrying this amendment into effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

House Bill No. 286, having been read three several times, was passed by the following vote:

Ayes—Bennett. Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Coleman, Collier, Cone. Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—71

Noes—None.

Absent—Burt—1.

Title agreed to.

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Kennedy in the chair.

House resumed.

Mr. Speaker in the chair.

Kennedy, from the Committee of the Whole, asked leave for the Committee of the Whole to sit again before reporting. Granted.

REPORTS OF STANDING COMMITTEES.

Brewster reported as follows:

"Mr. Speaker:

We, your Commitee on Live Stock and Public Ranges, having had under consideration House Bill No. 233, A Bill for an Act entitled, "An Act to define the word "Estray," and to provide for the taking up and disposing of estrays upon the Public Domain," beg to report the same back to the House with the recommendation that it be indefinitely postponed.

On motion by Wilson report was adopted.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bills 11, 43, 86 and 153 was this day read third time and concurred in, as amended, and is herewith returned to the House.

C. E. WIGHT, Secretary."

Lanstrum moved that the Senate Amendments to Substitute for House Bills Nos. 11, 43, 86 and 153 be concurred in.

At 4 P. M., O'Connor moved that the House take a recess of ten minutes. Motion lost.

Linderman moved the previous question. Motion carried; Ayes 35; Noes 27.

MacGinnis, duly seconded, moved for a Call of the House.

The roll was called and all members present except Burt, Coleman, Collier and Starz.

On motion by Linderman, further proceedings under the Call of the House were suspended.

The question recurring upon the concurrence in the Senate Amendments to Substitute for House Bills Nos. 11, 43, 86 and 153; the amendments were concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, Patten, Richardson, Ross, Sales, Sanders. Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—Blankenship, Huntington, Johnston, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover—11.

Absent and not voting—Burt, Coleman, Collier, Potter and Starz—5.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 24, 1905.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 58, entitled a bill for "An Act creating the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Rosebud and Yellowstone; and providing for the appointment of a judge thereof," without my approval and with my objections thereto.

It is proposed to create a new district out of Yellowstone and Rosebud Counties, to be known as the Thirteenth District and provide for a new judge for the district thus created.

I am opposed to the policy of increasing the number of judges unless persuaded of its necessity. My position on this question is more pronounced when we consider the financial condition of the State, which I have emphasized on another occasion. Until there is concurrent proof that the public administration of justices in any district is suffering from an inadequate judicial force and the finances of the State are available to pay the salary of another judge, I prefer to rely upon the strong sense of duty and of diligence which quite generally animates the bench. I am not persuaded of the necessity of creating the district mentioned in the bill, or of increasing the number of judges in order to supply the proposed district with a separate judge.

On the contrary, I am quite convinced that it is a useless expense. I have been furnished with the following information which I deem reliable and of great value in this connection

Number of Civil and Criminal Cases Commenced in Each Judicial District in Montana in 1903, according to the last Annual Report of the Bureau of Agriculture and Labor:

First District	235
Second "	775
Third "	261
Fourth "	282
Fifth "	242
Sixth "	273
Seventh "	281
Eighth "	253
Ninth "	139
Tenth "	193
Eleventh "	245
Twelfth "	186

Number of cases both Civil and Criminal begun in the year 1904 in each of the Counties in the Sixth and Seventh Judicial District:

Dawson	42
Custer	62
Rosebud	32
Yellowstone	122
Carbon	84
Sweetgrass	36
Park	142

In 1904 there were 258 Civil and Criminal Cases commenced in the Seventh District, a decrease of 23 as compared with the preceding year. In the Sixth Judicial District there were 262 Civil and Criminal Cases begun, four more than in the Seventh District. The average number of cases commenced in the year 1903 for each District Judge, is a fraction over 239. In other words, the Judge of the Seventh Judicial District has only 19 cases more begun in his District than the average of the District Judges of the State. The figures for the year 1904 are taken from letters received from the Clerks of the Court in the Counties comprising the Sixth and Seventh Districts.

House Bill No. 58 will make two districts, one of which had only 104 cases commenced last year, and the other only 154.

Apart from this view, which in my opinion, ought to be controlling, this Bill, if not unconstitutional in attempting to name the judge for the new district, is violative of sound public policy.

"Experience has shown," says an American Statesman, "that it is the easiest, as it is also the most attractive of studies, to frame Constitution for the self-government of free states and nations, but I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free Constitutions of self-government when once happily established."

"I know no other way" said he. "in which they can be preserved except by constant adherence to them through the vicissitudes of our political existence, with such adaptations as may become necessary—always to be effected, however, through the agencies and in the forms prescribed in the original constitutions themselves."

I have not had opportunity for exhaustive research into authorities or precedents but I have had ample time for reflection upon what seems to be a gradual encroachment of the Legislative upon the Executive Department of our State Government, and after careful deliberation, I find myself constrained by an imperious sense of duty, as the representative of a co-ordinate branch of the State Government, to protest against the dangerous innovation proposed by this bill.

It is uniformly admitted that the continued success of a Republican form of government is due to the wonderful wisdom with which the functions of Government were distributed between the three principal Departments; the Legislative, the Executive, and the Judicial.

Another provision worthy of note is that which gives to the Governor the "supreme executive power of the State."

Eminent constitutional lawyers have gone so far as to maintain that the exercise of the appointive power by a legislative body is positively forbidden by that clause (found in the Constitution of every state) which divides the powers of government into three departments, Legislative, Executive and Judicial, and prohibits those charged with the exercise of one class of powers from exercising powers belonging to either of the others. They have contended, and in Indiana their contention has become law (State v. Denny, 4 L. R. A. 79), that though a constitution is utterly barren of any provision corresponding with Section 7 of Article VII of the Constitution of this State, though nothing whatever is said in it as to who shall nominate and appoint to office,—yet, so intrinsically executive in its character is the power of appointment to public office. that it is referred to the Executive and withheld from the legislative department as a matter of course, and without express mention, in any classification of the powers of government; and that attempts on the part of the Legislative to exercise it, even when as it is not (as it is in this state) expressly conferred on the Executive, involve direct infractions of the clause of the Constitution by which each department is confined to its own sphere of duties.

It is true that by a number of States, this extreme doctrine has been rejected. The Supreme Court of California, for example, in the case of People v. Freeman, 13 Am. St. Rep. 125 decided that the power of appointment to office was not **essentially** an executive function; and that it might be exercised by the Legislature where **"it is not regulated by express provisions of the Constitution."** That decision was rendered in August, 1889; and in that State at that time the power of appointment to office was **not** "regulated by express provisions of the Constitution;" that is to say, there was not in the Constitution of California any clause corresponding with Section 7 of Article VII of the Constitution of this

State, expressly conferring such power on the Executive. The Constitutional Convention of the State was at that time, August, 1889, in session; and perhaps with the California case in view it proceeded to "regulate" the appointive power in this State "by express provision of the Constitution," and to set at rest so far as plain language could do it, the question where that power should lie. It adopted, and the people of the State ratified the provision which is now Section 7, of Article VIII of our Constitution; a provision not frequently met with in State Constitutions; and one has only to examine that section and compare it with the corresponding section of the Federal Constitution, to satisfy himself that it was modelled after the provisions of the Federal Constitution, and that its purpose was to vest in the Executive of this State the same plenary powers of appointment, except in the case of appointments otherwise in the Constitution itself provided for, which is by the Federal Constitution vested in the President of the United States.

To make this clear, the provisions in question of each Constitution are quoted. The material part of Section 2, Article II of the Federal Constitution reads: "He (the President) shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointment are not herein other wise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of law, or in the heads of departments."

Section 7 of Article VII of our State Constitution reads: "The Governor shall nominate, and by and with the consent of the Senate appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for."

Wherein is the power of appointment, given by the Federal Constitution to the President, greater than the power of appointment given by our own Constiution to the Executive of this State? A comparison of the passages above quoted will satisfy any one that both the general grant of power, and the exception from that grant, are in each instrument the same. The President is given general power to nominate and by and with the advice and consent of the Senate to appoint all officers provided for by the Federal Constitution; the Governor of this State is given general power to nominate and by and with the consent of the Senate to appoint "all officers whose offices are established by the Constitution" of this State. The President was given the additional power to appoint to offices which should thereafter "be established by law;" the Governor of this State was given the additional power to appoint to offices "which may be created by law."

From the General grant of appointive power given by the Federal Constitution to the National Executive there was excepted appointments "herein otherwise provided for;" and from the general grant of appointive power given by our Constitution to the State Executive there was excepted appointments "otherwise provided for."

The Federal Constitution has been the organic law of the nation for nearly 116 years; and during that time the exclusive right of the Executive, as against the Legislative Department, to appoint to the public offices of the nation, whether created by the Constitution or subsequently established, has never been questioned. An Act of Congress creating an office of the United States, which should assume to dictate who should fill it, would be an absurdity. No such Act has ever, so far as known, been proposed; yet such an Act would not more plainly violate the Federal Constitution than does this Act violate the Constitution of the State.

It may be urged that the power of appointment given by the Federal Constitution to the National Executive is greater than the power of appointment given by our Constitution to the Governor, in this: That the President is empowered to appoint all officers of the United States "whose appointments are not herein otherwise provided for;" whereas the Governor is given power to appoint all officers "whose appointment or election is not otherwise provided for;" and it may be contended that the phrase "otherwise provided for" in our Constitution does not necessarily mean "otherwise in this Constitution provided for." But what else can it mean? The phrase clearly refers to provisions then, at the date of

the adoption of the Constitution, in existence; it says "whose appointment IS otherwise provided for;" not whose appointment **SHALL BE** otherwise provided for;" and the only instrument in which such other provisions could be found, (because the only body of State law at that time in existence) was the Constitution itself. But if there could be any doubt of the matter the decisions of "all officers whose election or appointment is not otherwise provided for;" and in the case of State v. Rosenstock, II Nevada 135, that phrase was construed by the Court as meaning, and apparently conceded by counsel on both sides to mean "otherwise **in this constitution** provided for." And to the same effect is the case of Mayor v. Baltimore, 74 Am. Dec. 582, a Maryland case.

It is true that in the case of State v. Mayhew, 21 Mont., page 93, the Supreme Court of this State held that the Legislature had the power, in an act creating a new county, to name the first Board of County Commissioners; but the question here raised was not considered or passed on by the Supreme Court in that case. In the Mayhew case the right of the Legislature to appoint the County officers was challenged solely on the ground that it was an interference with the right of local self government; it was not challenged on what seems to be the much more tenable ground, that the Legislature did not possess it for the simple reason that the Constitution had lodged it somewhere else; and this point not being presented, it was of course not decided.

I will not stop, however, to argue further the question whether the Legislative Assembly may appoint a person to an office of its own creation where the Constitution is silent as to the manner of appointment, for the manifest reason that the office of District Judge is created by the Constitution and not by the Legislature. The Legislature does not create the office. It has authority under the Constitution to "increase or decrease the number of judges and divide the State or any part thereof into new districts." This is the express limit of its authority so far as a district judge is concerned.

The moment a new district is established and provision is made for an increase in the Judiciary, that moment a vacancy exists in the office of Judge.

How is that vacancy filled under the Constitution?

Section 34 of Article VII of the Constitution points the way. It is as follows:

"Vacancies in the office of Justice of the Supreme Court or Judge of the District Court, or Clerk of the Supreme Court, shall be filled by appointment by the Governor of the State."

But whether an office is created by the Constitution or by law, if it be a State office, the appointing power resides in the Governor. Section 7 of Article VIII is as follows:

"The Governor shall nominate, **and by and with the consent of the Senate,** appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for."

It is evident that this section is dealing exclusively with state officers. The manifest meaning of the clause "or which may be created by law, and whose appointment or election is not otherwise provided for" is that all such officers as "may be created by law" and "whose appointment or election is not otherwise provided for," shall be appointed by the Governor, **"by and with the consent of the Senate."**

Recurring to Section 34 of Article VII, supra, it will be observed that the appointment of Judge of a District Court is otherwise provided for and that the "consent of the Senate" in that case is not required.

Calling your attention to the well known provision of our Constitution by which the powers of government are divided and one department is prohibited from the exercise of those powers which belong to another, and protesting against any encroachment upon the Executive by the Legislative Department, I affirm that if the power to appoint a district judge by the Legislature can be sustained by any strained construction of our Constitution, the **policy** of exercising that power is inherently bad and dangerous in the extreme.

"No one "says Mecham, a law writer of renown, "can investigate this question without being strongly impressed with the conviction that the weight of opinion both among statesmen and judges, is that the power of appointing to public office **as a matter of policy** ought not to be regarded as a Legislative function."

Mr. Story, in his great work on Federal Constitution which is alike applicable to our fundamental laws, furnishes ample reasons for condemning such a policy.

Disclaiming any reflection upon any member of this honorable body or the person named in the bill, I quote the language of that great commentator as singularly apt and lucid. With prophetic foresight and consumate judgment, he seems to cover the case in the following language:

"Those who are accustomed to profound reflection upon the human character and human experience will readily adopt the opinion that one man of discernment is better fitted to analyze and assume the peculiar qualities adapted to particular offices than any body of men of equal or even of superior discernment; his sole and undivided responsibility will naturally beget a livelier sense of duty and a more exact regard to reputation. He will inquire with more earnestness and decide with more impartiality; he will have fewer personal attachments to gratify than a body of men, and will be less liable to be mislead by his private friendships and affections, or, at all events, his conduct will be more open to scrunity and less liable to be misunderstood."

"If he ventures upon a system of favoritism, he will not escape censure and can scarcely avoid public detection and disgrace. But in a public body appointments will be materially influenced by party attachments and dislikes, by private animosities and antipathies and partialities, and will be generally founded in compromises, having little to do with the merit of candidates and much to do with the selfish interests of individuals and cabals. They will be too much governed by local or sectional or party arrangements."

Speaking of the Executive, he says: "He will be compelled to consult public opinion in the most important appointments and must be interested to vindicate the propriety of his appointments by selections from those whose qualifications are unquestioned and unquestionable. If he should act otherwise and surrender the public patronage into the hands of profligate men or low adventurers, it will be impossible for him long to retain public favor. Nothing—no, not even the whole influence of a party—could long screen him from the just indignation of the people. Though slow, the ultimate award of popular opinion would stamp upon his conduct its merited infamy."

Last but not least, and greater than all of them, I summon that great statesman and founder of Democracy, Thomas Jefferson, the patron Saint of all parties, whose figure it is said "comes down in history with the Declaration of Independence in one hand and the title deed of Louisiana in the other;" the only man dead or alive, of whom it has been said by the late Senator George F. Hoar, "That men or every variety of political opinion, however far asunder, find confirmation of their doctrine in him."

In a letter to Samuel Kercheval, dated July 16th, 1816, Jefferson said: "Nomination to office is an Executive function."

"To give it to the Legislature as we do (in Virginia) is a violation of the principles of division of powers. It swerves the members from correctness by tempting them to intrigue for offices themselves and to corruptly barter for votes, and destroyes responsibility by dividing it among a multitude. By leaving nomination in its proper place, among Executive functions, the principle of the disrtibution of the powers is preserved, and responsibility weighs with its heaviest force upon a single head."

So that, independent of the question as to whether the power of appointment actually exists under the Constitution, it is evident that the policy of exercising it is altogether wrong and freighted with great possibilities for mischief.

Two years ago, upon a failure to secure legislation providing for the appointment or election of two additional Justices for the Supreme Court, a measure was brought forth providing for the appointment of a Supreme Court Commission by the Justices of the Supreme Court. This measure, in my opniion, had nothing to recommend it except the fact that the Supreme Court was in urgent need of some assistance.

I could not, with a proper sense of public duty, give my approval to such a measure, believing it to be an innovation upon the Executive Branch of the Government; but yielding solely to the general sentiment of the Legislature and the Supreme Court, I suffered it to become a law without my approval, believing that

there would be no attempt to further encroach upon the salutary principle which recognizes the distinction between the several departments of government.

But it seems that I was in error in this assumption. We find not only this bill but three or four others of like import introduced into the present session and carried through various stages of consideration, creating new offices of great importance and naming the officers in the bills.

I should have been admonished then as I am determined now, so far as my power as Governor is concerned to

"Stop innovation in its early stage,
For when the upstart thing grows strong from age
No time nor strength of tenets stop its rage."

If bills of this character shall meet with the approval of the Executive and become laws, it is only a question of time when the Executive, having sat supinely by and seen the powers of his department gradually destroyed and frittered away, will be called upon to approve a bill providing for the appointment of the Governor by the Legislative Assembly; and he would be obliged, it seems, to approve it or resign in favor of some one who more fully appreciated the responsibilities of his office and had the courage of his convictions.

So far as I am personally concerned, I have no desire to exercise the power of appointment. The exercise of this power is not always, indeed, not often, satisfactory or agreeable from a personal standpoint. It invariably leaves in its train disappointed ambitions and often life-long animosities, but such considerations cannot be taken into account or allowed to weigh the balance down against a constitutional duty. There are many other things pertaining to the duties of the Executive which are far from being satisfactory or agreeable but which nevertheless must be done.

The great debt which the Legislature owes to the people of Montana can be more honorably and more worthily paid than by vainly seeking to find an office for every one of that vast multitude of deserving and patriotic citizens who eagerly seek such appointments.

Nor can it be said that I shall have fairly discharged my duty to the people by merely dispensing official favors to those who, with their petitions and importunities, daily lay siege to the Executive Office. Appointing to office is only a part of my duty. Has the trust been abused? Can it be said that I have in the past, with a false sense of party fealty, turned a deaf ear to those who have politically differed from me, and appointed unworthy men to public office?

Disclaiming the vain and foolish idea that I am any better or greater than the people who have honored me or the distinguished body to whom I send this message, but instinct with the determination to do my duty as I under stand it by preserving intact proper executive powers, regardless of consequences, I decline to accept any part of the responsibility for a measure which usurps executive authority. My constituency expects no such thing from me. They will approve what I have said and will be content with nothing less.

The foregoing objections which I make to the passage of this measure are therefore in no sense personal, but reflect my best judgment as to the proper powers and duties of the Executive, not only with regard to this particular bill but to all other measures, now pending or hereafter introduced, which seek to transfer the power of appointment of important State officers from the Executive to the Legislative Department.

It is altogether better that an otherwise good measure should fail than that its accomplishment should circumvent the Constitution or sound public policy which has been uniformly acted upon so far as important State officers are concerned, since the organization of the State, except in the instance to which I have called your attention.

In one case, decided in the State of Oregon which sustained the power of the Legislative Department to name the officers which it created, much stress was laid upon the fact that the power had been for a long time exercised by the Legislative Department in similar cases without question.

If such precedent shall be established and maintained in the State of Montana, I wish to have it recorded that it was without my consent and against my solemn protest.

I have intentionally refrained from expressing any opinion as to the qualifi-

cations of the person named in the bill, notwithstanding that point has been discussed on the floor of the House and pressed upon me, pro and con.

The fact that two opinions exist and are sustained with equal fervor and pertinacity—to the exclusion of much important business—is of itself a demonstration of the correctness and propriety of the position of the eminent authorities I have quoted, against the policy of turning the Legislative Assembly into a scrambling place for public office, with all its attendant and consequent demoralization, even if it were permissible under the Constitution.

J. K. TOOLE, Governor."

Motion by Kennedy that the question be put as follows: "Shall the Governor's veto to House Bill No. 58 be sustained?" Motion carried.

The Governor's veto was sustained by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Shannon, Starz, Sullivan of Jefferson, Schoonover, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—33.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Christian, Carriher, Coleman, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Richardson, Ross, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—36.

Kennedy moved that the House resolve itself into a Committee of the Whole, for the consideration of General Orders. Motion lost.

REPORTS OF STANDING COMMITTEES.

Brewster reported as follows:

"Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 232, A Bill for an Act entitled "An Act to protect the owners of horses and to cause the inspection of the same," beg to report the same back to the House with the recommendation that the same do pass."

On motion by Brewster, report was adopted.

House Bill No. 232 was referred to Committee on Printing.

Also by Brewster:

"Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 212, A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana," beg leave to report the same back to the House with the recommendation that the same do pass."

On motion by Lannin, report was adopted.

House Bill No. 212 was referred to Committee on Printing.

NOTICES OF BILLS.

The following notice was given:

By Dempster: A Bill for an Act to provide for Penalty for violation of Section 4233 of the Political Code relative to County Printing.

On motion by Linderman, at 5:20 P. M., the House adjourned until 10:30 A. M. tomorrow.

.....

Speaker.

.....

Chief Clerk.

FIFTY-FIFTH DAY

Saturday, February 25, 1905.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All members present except Richardson and Stevens.

Mr. Speaker excused Richardson and Stevens.

COMMUNICATIONS AND PETITIONS.

A petition was received from various citizens and taxpayers of Helena, Montana, praying for the passage of Substitute for House Bills Nos. 15 and 104.

Also a petition from various citizens and taxpayers of Anaconda, Montana, praying for the passage of Substitute for House Bills Nos. 15 and 104.

Petitions were referred to Committee on Ways and Means.

"Helena, Montana, Feb. 24th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today introduced and read first and second times:

Senate Bill No. 85, by Maddox: A Bill for an Act entitled, "An Act to amend Chapter III of Part II of Title VII of the Code of Civil Procedure, relating to injunctions without notice against the operation of mining claims."

Senate Bill No. 86, by Brennen, by request: A Bill for an Act entitled, "An Act to regulate the practice of telegraphy in Montana and to establish the office of Telegrapher Examiner."

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 24th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and passed and are herewith transmitted to the House for its concurrence: Senate Bill No. 64, Senate Substitute for House Bill No. 50, Substitute for Senate Bill No. 49 and House Bill No. 96, Senate Bill No. 45 and Senate Bill No. 68; also that the following Bills were read a third time and concurred in and are herewith returned to the House: House Bills Nos. 157, 128, 197, 203, 202, 118, 158, 161, 192, 164 and 171; also that the following Bill was read a third time and concurred in as amended: Substitute for House Bills Nos. 130 and 133.

Respectfully,
C. E. WIGHT, Secretary."

House Bills Nos. 157, 128, 197, 203 202, 118, 158, 161, 192, 164 and 171 were referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 24th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 129 was today not concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

REPORTS OF SELECT COMMITTEES.

"Mr. Speaker:

Your Committee appointed to investigate and report on the condition of the State Insane Asylum, beg leave to report that they visited that institution on February 19th and 20.

The buildings are admirably located at Warm Springs, where the hot medicinal waters are utilized for both drinking and bathing purposes. An abundant supply of clear, cold mountain water is furnished under pressure and the sewerage system is thoroughly efficient. The quarters for male patients are commodious, airy and well arranged. Those for female patients, while older, are yet fairly well adapted for present needs. However, plans for a new and modern building to replace those now in use have been accepted and the coming summer will see its completion. The Hospital building recently erected to replace the one destroyed by fire, is modern in every particular and will accommodate 135 patients; the building is of brick, the floors of maple and tile, and the plastering of Keen's cement. The system of ventilation is perfect and admits of the air being completely changed every ten minutes. The operating room in its arrangements, and in its provisions for rendering all surgical operations is strictly aseptic, is not surpassed anywhere in the West. All of the buildings are lighted throughout

with electricity, and heated with steam or hot water,—each having its separate heating plant.

On the last day of our visit there were under treatment at the asylum 585 patients, and while the recoveries number fully 40 per cent. and the death rate is of course considerable, the number steadily increases.

The visitor cannot but be struck with the air of comfort and contentment which pervades the place; and the officers and attendants, without exception, appear to command the respect and confidence of the inmates.

A large farm is conducted in connection with the institution, and those of the patients who are able and willing are given light employment, which is found to be extremely beneficial to health. Among the large number of inmates, but two were found kept under restraint.

In conclusion, we feel that we cannot too highly commend the intelligent and skillful management of this institution and congratulate the State on having so successfully solved the problem of caring for this unfortunate class of people who deserve, at our hands, the utmost consideration we can give them.

Respectfully submitted,

J. C. McCARTHY,
Chairman Select Committee.
HAROLD N. BLAKE,
A. D. MACDONALD."

On motion by Wilson, report was adopted.

"Helena, Montana, Feb. 24, 1905.

Mr. Speaker:

Your Committee visited the Montana State School of Mines at Butte, on the 11th and 12th of February. We made a thorough examination of the institution in all its departments. We found on every hand gratifying evidence of the successful work for which this School is already known, and of the conservative and intelligent management on the part of its Trustees, President and Faculty. The equipment of the institution, though not as yet extensive, has been selected with evident regard to economy and utility. Many of the rooms are overcrowded; particularly those used for the library, and some of the laboratories. We find that the upper story or attic of the building which was finished off through an appropriation by the last legislature, contains now some large well finished and well lighted rooms, which can not be utilized for lack of heating apparatus, which the Eighth General Assembly failed to provide.

The heating plant now in use is the result of a very insufficient appropriation made by the Seventh General Assembly. That appropriation simply permits the placing of satisfactory steam pipes and radiators needed for the lower stories, with risers to connect with the attic when it should be completed. Having nothing for a boiler and engine house, and but a pittance for boilers, the situation was met by digging a hole in one of the old furnace rooms and putting in two cheap little boilers; one of them second-hand, to furnish temporarily the heat needed for the space then in use. It seems to have been all that could have been done then, but it is an insufficient provision for present needs, and is not economical as to the use of fuel.

We examined the plans for a new heating plant that had been prepared, and also the plat of ground on which it is proposed to locate it. It is our belief that this heating plant should be erected as proposed.

We notice also that the cement flooring of the basement story where the Chemical Laboratories and the Ore-crushing Machinery is located, is in a very unsatisfactory condition. It was placed there by the State Building Commission, seven or eight years ago, and the work was poorly done. Although no request comes from the Trustees or Faculty, for the removal of this cement flooring, we are of the opinion that it is not for the credit of the State that it should be allowed to remain in its present condition.

We have considered the schedule of work and expenses of maintenance of the institution, but as this subject has been taken up and considered at length by the State Board of Education, we will only add our endorsement of the suggestions

that the Board has made as to the amount needed for the successful conduct of the school for the biennial period ending November 30, 1906.

Respectfully submitted,

J. C. McCARTHY,
Chairman Joint Committee.
HAROLD N. BLAKE,
A. D. MACDONALD."

On motion by Blake, report was adopted.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 176, 272, 218, 177, 279, 256, Substitute for House Bills Nos. 76 and 244, and Substitute for House Bill No. 33 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 176, 272, 218, 177, 279, 256, Substitute for House Bills Nos. 76 and 244, and Substitute for House Bill No. 33 were placed on General Orders.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Judiciary: H. B. No. 295. A Bill for an Act to authorize the Courts of Record in this State to issue injunctions to restrain persons or corporations from violating any of the provisions of Section 20 of Article XV, of the Constitution of the State of Montana, or of any law or laws enacted for enforcing said Section pending the final determination of any action, civil or criminal, brought in any court for the purpose of enforcing said action of the Constitution or any law or laws enacted thereunder.

By Dempster: H. B. No. 296. A Bill for an Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing to be designated as Section 4234 providing a penalty for its violation of Section 4233 of the Political Code.

READING OF SENATE BILLS.

On motion by Linderman, the rules were suspended, and all Bills except Appropriation Bills, were read first and second times by title only.

S. B. No. 45, read first and second times, and referred to Committee on Judiciary.

S. B. No. 46, read first and second times, and referred to Committee on Judiciary.

S. B. No. 68, read first and second times, and referred to Committee on Railroads and Transportation.

Senate Substitute for House Bill No. 96 and Senate Bill No. 49, read first and second times, and referred to Committee on Irrigation and Water Rights.

Senate Substitute for House Bill No. 50, read first time, and Linderman objected to the introduction of the Bill.

The question occurring upon the rejection of Senate Substitute for House Bill No. 50, the Bill was rejected.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 295, read first and second times, and referred to Committee on Printing.

H. B. No. 296, read first and second times, and referred to Committee on Judiciary

MOTIONS AND RESOLUTIONS.

Lannin moved that the Steering Committee be instructed to bring in House Bill No. 151 on Monday, before 2:30 o'clock.

Everett raised the Point of Order that this House has not the authority to instruct the Standing Committees.

Mr. Speaker ruled that this House has the authority to instruct the House Members of the Steering Committee.

Motion was lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Christian, Collier, Dempster, Geyman, Hayes, Hewett, Huntington, Johnston, Lannin, Murphy, Quigley, Reel, Roll. Sanden, Sewell, Shannon, Sullivan of Jefferson, Teskey and Wyman—23.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Coleman, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hilman, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Macdonald, Patten, Roach, Ross, Sales, Sanders, Schoonover, Selway, Starz, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—39.

House Joint Resolution No. 9: Introduced by Lanstrum. Whereas, His Excellency, the Governor of the State of Montana, Joseph K. Toole, in a communication to the Speaker of the House of Representatives of the Ninth Legislative Assembly of the State of Montana returning House Bill No. 58 without his approval, strongly intimates that he will not approve any measure passed by the Ninth Legislative Assembly, appointing persons to offices created by it, for the reason, among others, that it is unconstitutional, being an encroachment upon the functions of the Executive Department of the State; and,

Whereas, it is the opinion of many of the most prominent lawyers of the State of Montana that such power does not rest exclusively in the Executive but may be properly exercised by the Legislature in the same act creating the office; and,

Whereas, We, the Members of the Ninth Legislative Assembly, believe that His Excellency, the Governor, is exercising a veto power for the reason that he considers the measure unconstitutional, is himself exercising and usurping the power and functions of the Judicial and Legislative Departments of the State of Montana; and we believe that it is the duty of the Governor to approve Substitute for House Bills Nos. 11, 43, 86 and 153, or allow it to become a law without his signature, as he did with Substitute for Senate Bill No. 71 of the Eighth Legislative Assembly of the State of Montana, wherein he expressly stated that, notwithstanding, in his opinion, the act was unconstitutional, he permitted it to become a law so that the same might go before the Supreme Court for consideration and determination.

Therefore, Be It Resolved by the House of Representatives of the Ninth Legislative Assembly, the Senate Concurring, that we earnestly request His Excellency, the Governor of the State of Montana, Joseph K. Toole, to either approve Substitute for House Bills Nos. 11, 43, 86, and 153 or allow the same to become a law without his signature, in order that the constitutionality thereof may be determined by the proper tribunal for the determination of such questions.

Lanstrum moved to adopt the Resolution.

Johnston moved that House Joint Resolution No. 9, and the motion, be laid upon the table.

Motion to table lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Collier, Dempster, Geyman, Harvington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—32.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Christian, Coleman, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Ross, Sales, Sanders, Selway, Sewell, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—33.

Lanstrum renewed his motion to adopt House Joint Resolution No. 9.

Johnston moved for a Call of the House.

Roll called and all members present except Burt, Carriher, Cone, MacGinnis, Potter, Richardson and Stevens.

Johnston moved that further proceedings under the Call of the House be dispensed with. Motion lost: Ayes, 31; noes, 33.

Lanstrum moved that further proceedings under the Call of the House be dispensed with. Motion carried.

The following pair was announced:

"Helena, Montana, Feb. 24, 1905.

This is to certify that we, the undersigned, have paired for Saturday, Febru-

ary 25th, 1905, on all party issues, excepting constitutional amendments and the right to sustain the Governor in any measure he may veto.

M. N. STEVENS,
E. V. BLANKENSHIP."

Leiper moved that the pair be considered as holding in this case.

Mr. Speaker ruled "The House itself is the judge in the matter of the pair."

Motion carried, ayes, 33; noes, 31.

Blankenship requested that the records show that he protested against the action of the House.

The roll was called upon the adoption of House Joint Resolution No. 9.

House Joint Resolution No. 9 was adopted by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Ross, Sales, Sanders, Selway, Sewell, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—37.

Noes—Berry, Bembrick, Canoll, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood and Wyman—31.

House Joint Resolution No. 10: Introduced by Linderman. Be It Resolved by the House of Representatives of the Ninth Legislative Assembly, the Senate concurring, that the Attorney General of the State of Montana be, and he is hereby authorized and directed to forthwith institute and diligently prosecute an official inquiry and investigation into the business, affairs and operations of any and all person or persons, companies, corporations, combinations or trusts doing business in the State of Montana in violation or contravention of the Constitution and laws thereof. In the event that the said investigation shall disclose the violation of the Constitution or any law of this State, the said Attorney General is hereby required and directed to take such appropriate action, either civilly or criminally, or both, as may be deemed necessary or expedient to compel the observance by any and all such person or persons, companies, corporations, combinations or trusts of the provisions of the said Constitution and laws, and to punish the violation thereof.

Resolution adopted.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 25th, 1905.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 37, entitled, "An Act appropriating money for the erection and equipping of additional buildings for the State Orphans' Home at Twin Bridges, Montana", without my approval and with my objections thereto.

This bill appropriates the sum of $22,000 out of the general fund for the purpose of erecting a school building, a building for the lighting and heating plant, including a laundry and cottage building, and for eqipping and converting the present school building into a cottage for the State Orphans' Home at Twin Bridges, Montana, $12,000 of which appropriation is made available out of the revenues for the fiscal year ending November 30th, 1905, and $10.000 thereof made available out of the revenues for the fiscal year ending November 30th, 1906.

I recognize the value of this Institution to the people of the State and would be greatly pleased if our financial condition was such as to justify the improvemnets contemplated by the bill.

I have studied the financial condition of the State assiduously and there is no doubt in my mind that the revenues which shall be derived for all purposes, even assuming that an additional twenty per cent of the licenses shall be given to the State at this session, will be inadequate to meet the actual and necessary administrative expenses of the Government as now provided for by law.

In my biennial message presented at the opennig of this session, I said:

"It is believed that no State in the Union in its early years of Statehood furnished such splendid institutions of learning as ours, whether considered with

reference to the adequacy of its buildings and equipments or the high standard of excellence possessed by its corps of teachers."

"The Legislature has been uniformly generous in its appropriations for new buildings, a policy which seems to meet with public approval so long as financial condition of the State justifies such expenditures, but there should be no straining of our credit for further improvement in that behalf, in view of the heavy expense necessary to maintain formidable array now in existence."

"These observations are intended to apply especially to those institutions which are asking large appropriations at this session out of the general fund, a fund which, in my opinion, will for the next two years be barely sufficient to meet the ordinary and necessary expenses of administering the State Government as now provided for, and which cannot be enlarged unless as special tax is levied therefor without violating Section 12, Article 12 of the Constitution."

"Here is the limit of our authority: 'No appropriation shall be made or any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for the levying a sufficient tax, not exceeding the rate allowed in Section nine (9) of this Article, to pay such appropriations or expenditures within such fiscal year.'—Section 12, Article 12, Constitution."

But as suggested further on in my message it would be impossible to levy a special tax for the reason that such a tax would not be available until it had first been submitted to and ratified by the people at a general election as provided in Section 2, Article 13 of the Constitution, and inasmuch as that section of the Constitution does not permit the Legislature to create an indebtedness against the State which, singly or in the aggregate with any existing debt or liability, exceeds $100,000, and inasmuch as this limitation of debt has already been exceeded, there is no way under the Constitution by which this appropriation could be made available.

For these reasons I am obliged to object to the passage of the bill.

J. K. TOOLE, Governor."

The question occurring upon the passage of House Bill No. 37, notwithstanding the veto of the Governor, the bill was passed by the following vote

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—67.

Noes—Quigley—1.

Absent and not voting, Richardson, Stevens, Vandyck and Wood—4.

On motion by Lanstrum, at 1:20 P. M., the House took a recess until 2:30 P. M.

AFTERNOON SESSION.

House re-assembled at 2:30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, February 25th, 1905.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 10 entitled "An Act to add to Part III, Title V, Chapter IV, Article IV of the Political Code of Montana relating to the Soldiers' Home, an additional section to be designated Section 2531, relating to the employment therein of the inmates thereof and providing for their compensation and payment", without my approval and with my objections thereto.

The Soldiers' Home of this State is under the control and management of a non-partisan Board of Old Soldiers who are in sympathy with the inmates of

that institution and who have striven in every possible way to make their surroundings pleasant and agreeable. Improvements of a permanent character with modern appliances were constructed under appropriations by the State, the last of which were completed during the year ending 1904.

The Board does not ask the passage of the bill.

It is believed that the provisions made for them are appreciated by the inmates of that Institution. A Law has heretofore been passed which restores to them that part of the pension which was heretofore retained by the State as a partial compensation for their enjoyment of the bounty of the State.

It has been found necessary, not only on account of the financial condition of the State by reason of the growth of the various state institutions, but also as a proper health measure, that more or less work of a light character should be performed by the inmates of this Institution. I have no information that the work heretofore done by any of the inmates or which is likely to be exacted of them, is burdensome in the least.

I am confident that this measure is not in the interests of the inmates of the Soldiers' Home, however well intended it may be. Having been advised that the Committee on Appropriations has declined to recommend an increase of the estimate of appropriations for the maintenance of the Soldiers' Home, as presented, and believing that if the same was increased that the funds of the State arising from the revenues thereof for the two ensuing fiscal years, would be insufficient to pay the same, I cannot approve this bill.

J. K. TOOLE, Governor."

The question occurring upon the final passage of House Bill No. 10, notwithstanding the veto of His Excellency, the Governor, the bill failed of passage by the following vote

Ayes—Bennett, Berry, Brewster, Brigham, Buck, Christian, Coleman, Collier, Cone, Decker, English, Everett, Forsythe, Geyman, Hewett, Hilman, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, MacGinnis, Macdonald, Patten, Richardson, Roll, Ross, Sales, Sanders, Schoonover, Sewell, Vandyck, Wiedeman, Williams and Mr. Speaker—35.

Noes—Bembrick, Blankenship, Burt, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Metcalf, Meunier, Murphy, O'Brien, O'Connor, Potter, Quigley, Reel, Roach, Sanden, Shannon, Starz, Sullivan of Jefferson, Teskey, Walker and Wyman—25.

Absent and not voting—Blake, Canoll, Carriher, Dempster, Murray, Selway, Stevens, Sullivan of Lewis and Clarke, Fairbanks, Sykes, Wilson and Wood—12.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 261 has been returned correctly printed and is ready for General Orders."

Report received and House Bill No. 261 was placed on General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 145, A Bill for an Act entitled, "An Act to amend Section 1053 of the Civil Code of the State of Montana", beg to report same back to the House with the recommendation that it do pass as amended:

Amend the Ttitle by striking out the word "Civil" in Line 2, and inserting in lieu thereof the word "Political".

Also amend the Title by inserting, after the word "Montana" in Line 2 thereof, the words "as amended by Substitute No. 2 for House Bill No. 36, approved March 7, 1899".

Also amend Section 1 by striking out the words "Code of Civil Procedure", in Line 1, and insert in lieu thereof the words "Political Code".

Also amend Section 1 by inserting after the word "Montana" in Line 2, the words "as amended by Substitute No. 2 for House Bill No. 36, approved March 7, 1899"."

On motion by Lannin, report was adopted.

House Bill No. 145, with amendments, was referred to Committee on Printing.

Also by Mulroney:

We, your Committee on Judiciary, having had under consideration House Bill No. 290, A Bill for an act entitled, "An Act relative to number of Assistants allowed Treasurers in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class", beg to report same back to the House with the recommendation that the same do pass".

On motion by Walker, report was adopted.

House Bill No. 290 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 285 A Bill for an Act "To amend Section 4230 of the Political Code of Montana by adding thereto a Sub-division numbered 28, empowering the Board of County Commissioners to offer rewards for the apprehension of persons engaged with felony", beg leave to report same back to the House with the recommendation that it do pass."

On motion by Hewett, report was adopted.

House Bill No. 285 was refered to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 54, A Bill for An Act to Amend Section 472 of the Civil Code of Montana, Relating to Corporations", beg to report same back to the House with the recommendation that the same be not concurred in."

On motion by Hewett, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 65, A Bill for an Act entitled, "An Act to provide for the compilation, annotation, publication and distribution of the Laws of Montana since the publication of the Codes of Montana in 1895", beg to report same back to the House with the recommendation that the same be not concurred in."

On motion by Wiedeman, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 291, A Bill for "An Act to amend Section 2 of an Act entitled, 'An Act to amend Sections 1737, 1742 and 1910 of the Political Code of the State of Montana, relating to Public Schools; also Section 1756, Subdivision 15 of Section 1797, and Sub-division 3 of Section 1830, relating to Public Schools, as said Sections are now in force after amendment by Act of the Fifth Legislative Assembly, approved March, 1897; All of the foregoing Sections being contained in Part 3, Title 3, Chapter 6 of the Political Code' as said Sections are now in force after amendment by Act of the Seventh Legislative Assembly of the State of Montana, approved March 14th, 1901", beg to report same back to the House with the recommendation that the same do pass."

On motion by Hewett, report was adopted.

House Bill No. 291 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 260, A Bill entitled, "An Act Amending Article XII of Chapter II, Part III, of the Political Code, Relating to Reports of State Officers", beg to report same back to the House with the recommendation that it do pass."

On motion by Sales, report was adopted.

House Bill No. 260 was referred to Committee on Printing.

By Sales:

"Mr. Speaker:

We, your Committee on Agriculture and Horticulture, to whom was referred House Bill No. 293, A Bill for "An Act to amend Sections 1 and 2 of an Act to

Create the Montana State Board of Horticulture, to prescribe its Powers and Duties, and to Appropriate Money therefor, approved February 17, 1899, as amended by Chapter CIX of the Eighth Legislative Assembly", having had the same under consideration, beg to report the same back to the House with the following amendment, and recommend that it do pass as amended:

Amend Line 11 of Section 2 by striking out the words "and Sanders", and adding, after the word "Flathead", in Line 12, "and the Seventh District shall comprise the County of Sanders."

On motion by Ross, report was adopted.

House Bill No. 293, with amendment, was referred to Committee on Printing.

THIRD READING OF SENATE BILLS.

On motion by Lanstrum, the rules were suspended, and all Bills, except Appropriation Bills, were placed upon third reading after being read by title only.

Senate Amendment to Substitute for House Bills Nos. 130 and 133 was read third time, and, on motion by Berry, was not concurred in.

Linderman moved that a Conference Committee be appointed, to confer with a like Committee from the Senate, on Substitute for House Bills Nos. 130 and 133.

Motion carried, and Mr. Speaker appointed Lanstrum, Wiedeman and O'Connor as such committee.

Senate Bill No. 28 was read third time.

Lanstrum moved for a Call of the House.

Roll called and all members present except Canoll, Carriher, Mulroney, Murray, Stevens, Sykes, Wilson and Wood.

On motion by Lanstrum, further proceedings under the Call of the House were dispensed with.

Senate Bill No. 28 was concurred in by the following vote:

Ayes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Christian, Cone, Decker, English, Everett, Fairbanks, Forsythe, Hewett, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Patten, Potter, Richardson, Ross, Sales, Sanders, Selway, Sewell, Vandyck, Wiedeman, Williams and Mr. Speaker—33.

Noes—Berry, Bembrick, Coleman, Collier, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Quigley, Reel, Roach, Roll, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Teskey, Walker and Wyman—30.

Absent and not voting—Canoll, Carriher, Murray, Sullivan of Lewis and Clarke, Sykes, Wilson and Wood—7.

Paired—Blankenship and Stevens—2.

Title agreed to.

Senate Bill No. 51, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Teskey, Vandyck, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Canoll, Carriher, Meunier, Murray, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Wilson and Wood—11.

Title agreed to.

House Substitute for Senate Bill No. 19, having been read three several times, Linderman moved that the enacting clause be stricken out.

Motion carried by the following vote:

Ayes—Bembrick, Blankenship, Brigham, Coleman, Collier, Dempster, English, Everett, Forsythe, Geyman, Hayes, Hilman, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, Potter, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Sullivan of Jefferson, Sul-

livan of Lewis and Clarke, Teskey, Walker, Williams, Wyman and Mr. Speaker —37.

Noes—Bennett, Berry, Blake, Brewster, Buck, Burt, Christian, Cone, Decker, Fairbanks, Hewett, Huntington, Johnston, Metcalf, Mulroney, O'Connor, Patten, Quigley, Reel, Roach, Roll, Selway, Sewell, Starz, Vandyck, Wiedeman—26.

Absent and not voting—Canoll, Carriher, Harrington, Murray, Richardson, Stevens, Sykes, Wilson and Wood—9.

THIRD READING OF HOUSE BILLS.

House Bill No. 141, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Bembrick, Brigham, Buck, Burt, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien, O'Connor, Patten, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams and Mr. Speaker—58.

Noes—Johnston and Quigley—2.

Absent and not voting—Canoll, Carriher, Coleman, Murray, MacGinnis, Potter, Richardson, Stevens, Sykes, Wilson, Wood and Wyman—12.

Title agreed to.

House Bill No. 191, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Cone, Decker. Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Williams, Wyman and Mr. Speaker—56.

Noes—Huntington and Sullivan of Jefferson—2.

Absent and not voting—Bennett, Berry, Canoll, Carriher, Coleman, Murray, MacGinnis, O'Brien, Richardson, Stevens, Walker, Sykes, Wilson and Wood—14.

Title agreed to.

On motion by Johnston, the third reading of House Bill No. 27 was postponed until Monday, February 27th, 1905.

House Bill No. 263, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Collier, Decker, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Murphy, MacGinnis, O'Brien, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Williams, Wyman and Mr. Speaker—47.

Noes—Brewster, Buck, Burt, Christian, Everett, Huntington, Johnston, Mumbrue, Macdonald, O'Connor, Potter, Sales, Selway and Wiedeman—14.

Absent and not voting—Bennett, Canoll, Carriher, Coleman, Cone, Mulroney, Murray, Stevens, Sykes, Wilson and Wood—11.

Title agreed to.

House Bill No. 247, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Sewell, Schoonover, Shannon, Starz, Sullivan of

Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Bennett, Canoll, Carriher, Coleman, Cone, Mulroney, Murray, O'Connor, Stevens, Sykes, Wilson and Wood—12.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Lanstrum:

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration Senate Bill No. 68. "A Bill for an Act entitled An Act to compel Railway Corporations or Associations to establish a daily (except Sunday) train service on all branch lines, the terminus of which is at any city or town having a population of more than five hundred, and to maintain proper facilities for the transportation of passengers, and providing a penalty for the violation thereof", beg leave to report the same back to the House with the recommendation that it be concurred in.

Lanstrum moved to adopt report.

Substitute motion, by Berry, that the report be not adopted and that Senate Bill No. 68 be not concurred in. Substitute motion carried and Senate Bill No. 68 not concurred in.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 48, A Bill for "An Act regulating foreign corporations doing a banking business within the State of Montana", beg leave to report that we have prepared a House Substitute for Senate Bill No. 48, A Bill for "An Act regulating foreign corporations and Joint Stock Companies doing a banking business within the State of Montana, and prescribing penalties and punishment for violations of the provisions thereof", and beg to report same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Substitute for Senate Bill No. 48 was referred to Committee on Printing.

REPORTS OF SELECT COMMITTEES.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Friday, February 24th, in which is recorded at length House Bill No. 286, and the Governor's Message relating to veto of House Bill No. 58, and believe same to be correct."

On motion by Wiedeman, report was adopted.

COMMUNICATIONS AND PETITIONS.

A petition was received from taxpayers of Park County, Montana, praying for the passage of Substitute for House Bills Nos. 15 and 104. Referred to Committee on Ways and Means.

NOTICES OF BILLS.

The following notice was given:

By Walker, by request: A Bill for an Act to prohibit Bucket Shops and Bucket Shopping within the State of Montana.

INTRODUCTION OF BILLS.

Wiedeman requested to be allowed to introduce a Bill without having given previous notice. Granted.

By Wiedeman, by request: H. B. No. 297. A Bill for an Act entitled "An Act to extend the limit of indebtedness of Cities and Towns, and authorizing any City or Town to incur an indebtedness within such extended limit, by the issuance of bonds for the purpose of acquiring a water supply and system and pro-

viding for the submission of the question of incurring such indebtedness to a vote of the taxpayers affected thereby."

READING OF HOUSE BILLS.

H. B. No. 297, read first and second times, and referred to Committee on Judiciary

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Kennedy in the Chair.

House resumed.

Mr. Speaker in the chair.

Linderman moved that the report of the Committee of the Whole be considered read and approved.

Substitute motion by Johnston, that the report be amended to read that Substitute for House Bills Nos. 15 and 104 be recommended for passage.

Kennedy moved, as an amendment to the Substitute motion, that consideration of the report of the Committee of the Whole be deferred until Monday.

Amendment to Substitute motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 247 and 263 as correctly engrossed."

Report received and House Bills Nos. 247 and 263 were placed on file for third reading.

Also by Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 222, 187 and 98 as correctly engrossed."

Report received and House Bills Nos. 222, 187 and 98 were placed on file for third reading.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 25th day of February, 1905.

House Bill No. 128. An Act appropriating money for the payment of the claim of Lizzie Murphy for service rendered as stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October, and November, 1903.

Also House Bill No. 118. An Act to amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers.

Also Substitute for House Bill No. 41. An Act to Amend Sections 3070, 3071, 3072, and 3076 of the Political Code of the State of Montana, as amended by an Act approved March 6th, 1903, relating to the bounties for the killing of certain wild animals.

Also House Bill No. 164. An Act Appropriating Money for the Payment of the Claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

Also House Bill No. 171. An Act to amend Section 860 and 861 of Chapter V, Title 1, Part III, of the Political Code, Relating to Salaries of Justices of the Supreme Court and Judges of the District Court.

Also House Bill No. 192. An Act Authorizing the Government of the United States to Appropriate the Water of the Streams in the State of Montana, Subject to certain Restrictions.

Also House Bill No. 202. An Act Appropriating Money for the payment of deficiency claims of the Bureau of A. L. & I. for expenses incurred.

Also House Bill No. 157. An Act to Establish a State Flag of Montana.

Also House Bill No. 158. An Act Appropriating Money for the payment of

claims of certain persons for Services Rendered and Supplies furnished to the State School of Mines.

Also House Bill No. 161. An Act Appropriating Money for the payment of the deficiency claims of certain persons for services rendered and supplies furnished the Historical Library.

Also House Bill No. 203. An Act Appropriating Money for the payment of deficiency claims of the Board of Education for expenses incurred.

Also Substitute for House Bills Nos. 11, 43, 86 and 153. An Act to create and establish a Board of Railroad Commissioners for the State of Montana; providing for the appointment and election of the members thereof, and defining their powers and duties, and providing remedies for the enforcement of the provisions of this Act, and penalties for the violation thereof.

Also House Bill No. 197. An Act Appropriating Money for the Payment of Deficiency Claims of certain persons for services rendered and material furnished the State Veterinarian."

Mr. Speaker announced to the House that he was about to sign House Bill No. 128. An Act Appropriating Money for the Payment of the Claims of Lizzie Murphy for services rendered as stenographer to the office of State Superintendent of Public Instruction, during the months of July, August, September, October and November, 1903.

Also House Bill No. 118. An Act to Amend Sections 4597 and 4602 of the Political Code of the State of Montana, relating to the number of deputies allowed county officers.

Also Substitute for House Bill No. 41. An Act to amend Sections 3070, 3071, 3072 and 3076 of the Political Code of Montana, as amended by an Act approved March 6th, 1903; relating to the Bounties for the killing of certain wild animals.

Also House Bill No. 164. An Act Appropriating Money for the Payment of the Claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

Also House Bill No. 171. An Act to Amend Section 860 and 861 of Chapter V, Title 1, Part III, of the Political Code, Relating to Salaries of Justices of the Supreme Court and Judges of the District Court.

Also House Bill No. 192. An Act Authorizing the Government of the United States to Appropriate the Water of the Streams in the State of Montana, subject to certain restrictions.

Also House Bill No. 202. An Act Appropriating Money for the payment of deficiency claim of the Bureau of A. L. & I. for expenses incurred.

Also House Bill No. 157. An Act to Establish a State Flag of Montana.

Also House Bill No. 158. An Act Appropriating Money for the Payment of Claims of certain persons for Services Rendered and Supplies Furnished to the State School of Mines.

Also House Bill No. 161. An Act Appropriating Money for the Payment of Deficiency claims of certain persons for services rendered and supplies furnished the Historical Library.

Also House Bill No. 203. An Act Appropriating Money for the payment of deficiency claims of the Board of Education for expenses incurred.

Also Substitute for House Bills Nos. 11, 43, 86 and 153. An Act to Create and Establish a Board of Railroad Commissioners for the State of Montana; Providing for the Appointment and Election of the Members thereof, and Defining their Powers and Duties, and Providing Remedies for the Enforcement of the Provisions of this Act, and Penalties for the Viloation thereof.

Also House Bill No. 197. An Act Appropriating Money for the Payment of Deficiency Claims of certain persons for services rendered and material furnished the State Veterinarian."

Lanstrum moved that the House adjourn until 2:30 P. M. Monday, February 27th, 1905.

Johnston moved, as an amendment, that the House adjourn until 10:30 Monday.

Leiper moved, as an amendment to the amendment, that the House adjourn until 11 A. M. Monday. Amendment to the amendment carried.

House adjourned at 6:20 P. M.

.....

Speaker.

.....

Chief Clerk.

FIFTY-SEVENTH DAY

Monday, February 27th, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All members present except Carriher, Coleman, Geyman, Hewett, Kennedy, MacGinnis, O'Brien, Selway, Stevens, Sullivan of Jefferson, and Sullivan of Lewis and Clarke.

Mr. Speaker excused Stevens.

REPORTS OF SELECT COMMITTEES.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Saturday, February 25th, and believe same to be correct."

On motion by Blake, report was adopted.

COMMUNICATIONS AND PETITIONS.

Numerous telegrams were presented by Mulroney, from various citizens of Missoula, praying for the passage of House Bill No. 216. Referred to Steering Committee of the House.

Petitions were received from various Churches of the State, praying for the passage of House Bill No. 216. Referred to Steering Committee of the House.

Petitions were received from various citizens and taxpayers of Butte, praying for the passage of Substitute for House Bills Nos. 15 and 104. Referred to Committee on Ways and Means.

Also a petition from various citizens and taxpayers of Red Lodge, praying for the passage of Substitute for House Bills Nos. 15 and 104. Referred to Committee on Ways and Means.

Macdonald, from the Committee appointed to visit various State Institutions, requested that the Committee be excused from visiting the Deaf and Blind School at Boulder, Montana.

On motion by Lannin, the Committee was excused from visiting the Deaf and Blind School at Boulder, Montana.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 137, 283, 280, 288, 292 and House Joint Resolution No. 7 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 137, 283, 280, 288, 292 and House Joint Resolution No. 7 were placed on General Orders.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Judiciary: H. B. No. 298. A Bill for an Act entitled, "An Act to Revise and Establish the Name of Sacajawea (The Bird Woman), to a Branch of the Musselshell River, in Fergus County, State of Montana."

Bennett requested unanimous consent to introduce a Bill without having given previous notice. Granted.

By Committee on Ways and Means: H. B. No. 299. A Bill for an Act providing for the Publication of the Enactments of the first and second extraordinary

sessions of the Eighth Legislative Assemblies and to secure compliance with the contract for the Publication of the Law.

MOTIONS AND RESOLUTIONS.

Murray, seconded by Wilson, moved for a reconsideration of the vote, taken last Saturday, upon the final passage of Senate Bill No. 68.

Motion lost by the following vote:

Ayes—Bennett, Blankenship, Buck, Canoll, Christian, Collier, Cone, Decker, Dempster, Johnston, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Potter, Reel, Roach, Starz, Vandyck, Walker, Williams, Wilson and Mr. Speaker—29.

Noes—Berry, Bembrick, Blake, Brewster, Brigham, Burt, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Lannin, Metcalf, Meunier, Quigley, Richardson, Roll, Ross, Sales, Sanden, Schoonover, Sewell, Sykes, Teskey, Wiedeman, Wood and Wyman—31.

Bennett submitted the following resolution:

"WHEREAS, House Joint Resolution No. 7, having unanimously passed this Body, therefore be it resolved that the Rules be suspended and that the Journal be made to show that it has regularly passed this Body and is sent to the Senate for its concurrence."

Resolution adopted.

Mr. Speaker announced to the House that he was about to sign Senate Bill No. 60, An Act to amend Section 4240 of the Political Code relative to the authority of County Commissioners to issue bonds on the credit of the County.

Also Senate Joint Memorial No. 2, Relating to the opening of the Fort Peck Indian Reservation.

Also Senate Bill No. 13. An Act to amend Section 3001 of the Political Code of Montana, relating to the duties and powers of the State Veterinary Surgeon.

Also Senate Bill No. 41. An Act to amend Section 717, Part I, Title X, Chapter XI, of the Penal Code of the State of Montana, relating to the sale of intoxicating beverages on the line of any railroad grade, logging camp, sawmill, sheep-shearing camp, Irrigation ditch, or canal, in the course of construction.

Also Senate Bill No. 12. An Act to define lawful fences, and to repeal Section 3250 of the Political Code and an Act approved March 16, 1901, entitled "An Act to amend Section 3250, Chapter XIII, Title VII, Part III of the Political Code of the State of Montana.

Also Senate Bill No. 59. An Act to amend Section 4230 of the Political Code relative to the jurisdiction and power of County Commissioners, by adding an additional subdivision thereto.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 246, 262, 106, 209, 208, 267, 235, 268, Substitute for House Bill No. 57, and House Bills Nos. 264, 269, 265, 278, 266, 275, 214, as correctly engrossed."

Report received and House Bills Nos. 246, 262, 106, 209, 208, 267, 235, 268, 264, 269, 265, 278, 266, 275, and 214 were placed on file for third reading.

Also Substitute for House Bill No. 57 was placed on file for third reading.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment, report that we have this 27th day of February, 1905, at the hour of 11:10 A. M., delivered to His Excellency, the Governor, the following House Bills: House Bills Nos. 128, 118, Substitute for House Bill No. 41, House Bills Nos. 164, 171, 192, 202, 157, 158, 161, 203, Substitute for House Bills Nos. 11, 43, 86 and 153, and House Bill No. 197".

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 257, A Bill for an Act to amend Section 16 of House Bill No. 147, passed

by the Seventh Legislative Assembly, entitled, "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens, and defining their powers and duties and providing for their compensation", approved March 18th, 1901, and providing for the sale of birds, animals, fish, hides and heads seized by the state game and fish warden or any special deputy game and fish warden or any sheriff or any deputy sheriff or constable", beg to report same back to the House with the recommendation that it do not pass".

Ross moved to adopt report.

Substitute motion, by Mumbrue, that the report be not adopted; and that the bill be ordered printed and placed on General Orders.

Substitute motion carried. Ayes, 40; Noes, not counted.

House Bill No. 257 was referred to Committee on Printing.

Also by Mulroney

"Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 297, A Bill for an Act entitled "An Act to extend the limit of indebtedness of cities and towns, and authorizing any city or town to incur an intdebtedness within such extended limit, by the issuance of bonds for the purpose of acquiring a water supply and system and providing for the submission of the question of incurring such indebtedness to a vote of the taxpayers affected thereby", beg leave to report same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 297 was referred to Committee on Printing.

READING OF HOUSE BILLS.

On motion by Richardson, the rules were suspended, and all Bills, except Appropriation Bills, were read first and second times by title only.

The following Bills were taken from the file:

H. B. No. 298, read first and second times, and referred to Committee on Printing.

H. B. No. 299, read first and second times, and referred to Committee on Printing.

GENERAL ORDERS.

Kennedy, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 222, introduced by Commitee on State Lands, A Bill for an Act entitled, An Act to enable the State to accept an offer of the United States, made by an Act of Congress, in relation to the Arid Lands, commonly known as the Carey Act, approved August 18th, 1894, and the amendments thereto, and to promote the reclamation and settlement of said lands, and to reimburse the State for money heretofore or hereafter used for such reclamation, by defining additional duties and powers of the Carey Land Act Board, relieving the State of liability, providing the method of letting contracts for the reclamation and settlement of arid lands, providing for the ratification of contract for the classification and disapproval of said lands, disposition of funds thus derived, making water rights appurtenant to the land reclaimed, granting the contractor constructing work for reclaiming such lands a lien upon the same and water right appurtenant thereto for the purchase price of such water right and providing for the foreclosure and redemption of the same, permitting the use of water for power purposes subjects of rights of irrigators; permitting the exercise of the right of eminent domain in connection with such reclamation work and providing for the conveyance of the said Board of any property acquired by the State the conveyance of which is necessary to the maintenance of any action or defense by the State in reference to such lands, fixing fees, appropriating funds and repealing from conflicting laws, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend by substituting for lines 102-3-4-5, Section 11, the following:

"The contractor, so long as he maintains and operates the irrigation works, shall have the right to collect from settlers on such lands not to exceed one dollar per acre, per year, for each acre of land to which his or her water right is appurtenant, said charge to include the cost of maintenance, operation and delivery of water to said land.

Amend Section 22, line 289, by changing the word "and" after Board to "or".

Amend Section 19, line 243, after "time" by inserting the words "within 3 months".

Amend Line 266, Section 19, by inserting the word "be" after the word "lien".

Amend Section 19, lines 222 and 223, by striking out after the word "same" all the remaining sentence, and inserting in lieu thereof the words "in the same manner as mortgages on real property are foreclosed".

Also having had under consideration House Bill No. 98, introduced by Geo. R. Wood, A Bill for an Act to amend Section 3494 of an Act entitled, "An Act Relating to the Appraisal, Sale and leasing of State Lands, Repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting therefore certain Sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507", passed by the Sixth Legislative Assembly and approved March 1st, 1899, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 187, introduced by Leiper, A Bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of Articles of Incorporation and Stock Certificates of Water Users' Associations organized under the National Reclamation Act, and prescribing the fees for such recording", reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 5, by inserting after the word "books" the words "to conform to such books and stock certificates as used by the Secretary of the Water Users' Association".

Also having had under consideration House Bill No. 209, introduced by Leiper, A Bill for an Act entitled, "An Act Appropriating Money for the Relief of M. A. Wellman for Mileage and per diem while in attendance as a De Facto Member of the House of Representatives, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 264, introduced by Appropriations Committee, A Bill for an Act entitled, "An Act Appropriating Money for the Payment of Claims of D. J. Whaley and C. B. Tabor, Account Services Rendered the Eighth Legislative Assembly of the State of Montana", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 262, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of claims of certain persons for fees and expenses allowed by law for appraising cattle that were slaughtered by order of the State Veterinarian", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 208, introduced by Leiper, A Bill for an Act entitled, "An Act providing for the Appropriating of Money for the Payment of certain claims incurred in Election Contest Cases", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 269, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act for the appropriation of money to pay the bounty claims of certain persons", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 266, introduced by Appropriations Committee, A Bill for an Act entitled "An Act appropriating money for the payment of claims of G. A. Pritchett and Nena Curry, account services rendered the Ninth Legislative Assembly of the State of Montana", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 265, introduced by the

Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Public Printing for expenses incurred", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 267, introduced by Appropriations Committee, A Bill for an Act entitled An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided in Section 223 Part 3, Title 1, Chapter 2, Article 5, of Political Code of the State of Montana, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 268, Introduced by Committee on Appropriations, A Bill for an Act entitled, An Act appropriating money for the payment of the claim of Amelia Briedenbach for services rendered as stenographer to the office of Attorney General during the months of December, 1902, and January, 1903, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 235, introduced by Brigham, A Bill for an Act entitled "An Act to make legal and valid certain Special Improvement District Warrants issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly of the State of Montana entltled 'An Act relating to Public Improvements in Cities and Towns, etc.,' approved March 8th, 1897, in payment for the construction of a Sanitary Sewer in the said City of Havre", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 275, introduced by Mulroney, A Bill for an Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize and empower corporations to dispose of, or sell the whole or any part of their property, and to protect the stockholders dissenting from such action, reports same back to the House with the recommendation that it do pass.

Also House Bill No. 278, introduced by Kennedy, A Bill for An Act concerning the resignation of directors or trustees of corporations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 99, introduced by Everett, A Bill for an Act entitled, "An Act to Amend Section 3491, Article I, Chapter I, Title VIII, Part III, of the Political Code, relating to the leasing of State Lands", reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, lines 23 and 24, by striking out the words "forty-eight hours" and inserting in lieu thereof the words "six days".

Also having had under consideration House Bill No. 67, introduced by Reel, A Bill for an Act providing for the Disposal of Poisonous Chemicals used in Mining or other Manufacturing operations, and for fixing the Penalty therefor, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend by adding to Section 1, line 5, after the word "therewith" the following: "provided, however, that such poisonous chemicals shall not be disposed of by dumping the same into any waters containing fish or which is used for domestic purposes".

Amend Section 2, line 9, by striking out the words and figures "Two Hundred Dollars ($200.00)" and inserting in lieu thereof the words and figures "Twenty-five Dollars ($25.00)".

Also amend Line 9 by striking out the words and figures "Five Hundred Dollars ($500.00)" and inserting in lieu thereof the words and figures "One Hundred Dollars ($100.00)".

Also amend line 9 by inserting after the figures "($500.00)" the words "for each offense."

Also having had under consideration House Bill No. 219, Introduced by Mumbrue, A Bill for an Act entitled, "An Act granting unto the Government of the United States the right to use or enlarge any canal or ditch required in whole or in part for the construction of irrigation works by the United States within the

State of Montana," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 7, by inserting after the word "reservoir" the words "after having been condemned as provided by law."

Amend the Committee amendment, attached to Section 1 of the Bill by striking out the word "Section" and inserting in lieu thereof the word "Sub-division."

Also having had under consideration Substitute for House Bill No. 57, Introduced by Committee on Live Stock and Public Ranges, A Bill for an Act entitled An Act declaring trespass by Livestock held in herd to be a misdemeanor and Prescribing the punishment therefor, and Repealing an Act entitled "An Act to Protect the Owners of Real Estate and Claimants under any of the Land Laws of the United States, and Lessees of State Lands from Trespass by Depredation or Injury from Livestock held in herd," approved March 6, 1903, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 246, Introduced by Johnston, by request, A Bill for an Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 225, Introduced by Committee on Ways and Means, A Bill for an Act entitled, "An Act to amend Section 4233 of the Political Code of the State of Montana, relating to County Printing," reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 238, Introduced by Johnston, by request, a Bill for an Act to amend Section 1831, Chapter V, Title XIV, of the Code of Civil Procedure of Montana, and providing for service of notices and other papers, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 214, introduced by Lanstrum, A Bill for an Act entitled, "An Act permitting Sole Corporations to file Amended Articles of Incorporations, and Defining their Powers," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 106, Introduced by Johnston, A Bill for an Act "To provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county of residence of such Judge." reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 274, Introduced by O'Connor, A Bill for an Act to amend Sub-division VI of Section 403, to amend Section 411, and to add Sub-division VIII, to Section 520 of the Civil Code of the State of Montana, relating to Corporations and to provide for the issuance of preferred stock, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, lines 5 and 6, by striking out after the word "created," the words "provided, however, that corporations formed for mining purposes shall not issue more than one class of mining stock."

Amend Section 3, line 36 and 37, by striking out all of the remaining Section after the word "stock" in line 36.

Also having had under consideration Substitute for House Bills Nos. 15 and 104, Introduced by Judiciary Committee, A Bill for an Act to amend Section 4062 of the Political Code of Montana as amended by Chapter CXVII of the laws of 1903, Section 4064 of the Political Code of Montana as amended by House Bill No. 80, approved March 4th, 1901, Section 4065 of the Political Code of Montana as amended by House Bill No. 162, of the laws of 1897, Section 4068 of the Political Code of Montana as amended by House Bill No. 162, approved March 6th, 1897, relating to licenses, and repealing Sections 4060, 4061, 4070, 4072, 4073, of the Political Code of Montana, Section 4074 of the Political Code of Montana as amended by Chapter LVII of the Laws of 1903, Section 4075 of the Political Code of Montana as amended by House Bill No. 162, approved March 6th, 1897, Sections 4076, 4078, 4080 of the Political Code of Montana, relating to Licenses, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 206, Introduced by Sykes, A Bill for an Act approving Duplicate Bounty Certificates Numbers 146 and 222 in favor of Perry L. McCrea and Appropriating Money for the Payment thereof, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 112, Introduced by Johnston, A Bill for an Act "To amend Section 4050 of Article I, Chapter XIII, Title X, Part III, of the Political Code of Montana, relating to Distribution of Moneys collected for Licenses," reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 4, by changing the words "thirty-five" to "fifty" and in line 5 by changing the word "sixty-five" to "forty-five."

Amend the Bill by striking out all of Section 2.

Also having had under consideration House Bill No. 224, Introduced by Sewell, by request, A Bill for an Act to amend Chapter VI, Title IX, Part I, of the Penal Code of the State of Montana, by adding thereto Sections numbered 543, 544 and 545, providing for the further regulations of places where intoxicating liquors are sold, reports same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 252, Introduced by Ways and Means Committee, A Bill for an Act to provide for the support of the Government of the State of Montana for the years 1905 and 1906, reports same back to the House with the recommendation that it do pass."

Dempster moved to adopt the report of the Committee of the Whole.

Johnston moved, as an amendment, that the report of the Committee of the Whole be amended to read that Substitute for House Bills Nos. 15 and 104 be reported back with the recommendation that it do pass.

Amendment carried by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Christian, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Johnston, Lanstrum, Leiper, Meunier, Mulroney, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood—45.

Noes—Bennett, Brewster, Burt, Huntington, Lannin, Linderman, Metcalf, Mumbrue, Murphy, Potter, Sales, Schoonover, Shannon, Sullivan of Jefferson, Teskey, Wyman and Mr. Speaker—17.

Bennett moved, as an amendment to the orginal motion, that the report of the Committee of the Whole as to House Bill No. 112 be amended to read as follows:

"Amend Section 1, line 4, to read "sixty per cent" and in line 5 to read "thirty-five per cent."

Motion carried.

Johnston moved, as an amendment to the original motion, that the report of the Committee of the Whole be amended to read that House Bill No. 225 be reported back with the recommendation that it do pass.

Motion lost by the following vote:

Ayes—Bennett, Bembrick, Burt, Decker, Everett, Fairbanks, Forsythe, Huntington, Johnston, Kennedy, Metcalf, Roll, Sales, Schoonover—14.

Noes—Berry, Blake, Blankenship, Brewster, Canoll, Christian, Collier, Cone, Dempster, English, Geyman, Harrington, Hayes, Hilman, Lannin, Lanstrum, Leiper, Linderamn, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sanden, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Williams, Wilson, Wood, Wyman and Mr. Speaker—47.

Original motion, as amended, to adopt the report of the Committee of the Whole was carried. House Bills Nos. 222, with amendments, 98, 187, with amendments, 209, 264, 262, 208, 266, 265, 267, 268, 235, 275, 278, 99 with amendments, 67 with amendments, 219 with amendments, Substitute for House Bill No. 57, House Bills Nos. 246, 214, 106, 274 with amendments, 206, 112 with amendments,

252, and Substitute for House Bills Nos. 15 and 104, were referred to Committee on Engrossment.

House Bill No. 224 was referred to Committee on Judiciary.

Leiper moved for a reconsideration of the vote upon the final passage of House Substitute for Senate Bill No. 19.

Motion carried; Ayes 32; Noes 25.

On motion by Leiper, at 12:12 P. M., the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

House re-assembled at 1:30 P. M.

Mr. Speaker in the chair.

Roll called. Qourum present.

Mr. Speaker excused Stevens.

REPORTS OF STANDING COMMITTEES.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on State Boards and Officers having had under consideration Senate Bill No. 38, introduced by Waite, A Bill for an Act entitled "An Act to prevent and punish the desecration of the flag of the United States," report same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted and Senate Bill No. 38 referred to General Orders.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Appropriations: H. B. No. 300, A Bill for an Act entitled "An Act appropriating money to defray the expenses of the Joint Committee, appointed to investigate the School of Mines, State University and Insane Asylum.

Johnston moved that the records be made to show that House Bill No. 301 was introduced by unanimous consent. Carried unanimously.

By Committee on Judiciary: H. B. No. 301, A Bill for an Act entitled "An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers, and traveling merchants, as amended by House Bill 160 of the Fifth Legislative Assembly of the State of Montana, entitled "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers, and traveling merchants," approved March 3, 1897.

READING OF HOUSE BILLS.

On motion by Richardson, the rules were suspended, and all Bills, except appropriation bills were read first and second times by title only.

The following Bills were taken from the file:

H. B. No. 300, read first and second times, and referred to Committee on Printing.

H. B. No. 301, read first and second times, and referred to Committee on Printing.

SPECIAL ORDER.

At 2 P. M. Johnston moved that consideration of House Bill No. 168 be deferred until after consideration of third reading of Bills. Motion carried.

THIRD READING OF HOUSE BILLS.

On motion by Sales, the rules were suspended, and all Bills, except Appropriation Bills, were placed upon their final passage after being read by title only.

House Bill No. 222, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt Canoll, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz,

Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—Roll—1.

Absent and not voting—Carriher, Coleman, Geyman, Kennedy, Lanstrum, Linderman, O'Connor, Stevens, Wiedeman and Williams—10.

Title agreed to.

House Bill No. 98, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Collier, Cone, Dempster, English, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Leiper, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Shannon, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Williams, Wilson, Wood, Wyman and Mr. Speaker—53.

Noes—None.

Absent and not voting—Bennett, Berry, Buck, Coleman, Decker, Everett, Geyman, Kennedy, Lanstrum, Linderman, Metcalf, Mumbrue, O'Connor, Schoonover, Selway, Starz, Stevens, Sullivan of Jefferson and Wiedeman—19.

Title agreed to.

House Bill No. 187, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Canoll, Coleman, Everett, Kennedy, Meunier, Mulroney, Mumbrue, Quigley, Starz and Teskey—10.

Title agreed to.

House Bill No. 209, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Carriher, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Vandyck, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Brigham, Coleman, Cone, Hilman, Kennedy, Mulroney, Mumbrue, Schoonover, Selway, Shannon, Stevens and Wilson—13.

Title agreed to.

House Bill No. 264, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Selway, Sewell, Starz, Sullivan of Jefferson Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Berry, Cone, Geyman, Hilman, Kennedy, Linderman, Quigley, Stevens and Wilson—9.

Title agreed to.

House Bill No. 262, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Hewett, Geyman, Harrington, Hayes, Huntington, Johnston, Lannin, Lanstrum, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Bennett, Berry, Blake, Cone, Hilman, Kennedy, Leiper, Linderman, Selway, Stevens, Sullivan of Jefferson and Wilson—12.

Title agreed to.

House Bill No. 208, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Connor, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Berry, Cone, English, Hewett, Hilman, Leiper, Murray, Murphy, O'Brien, Patten, Selway, Shannon, Stevens, Walker and Wilson—15.

Title agreed to.

House Bill No. 269, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Buck, Cone, English, Leiper, Meunier, Mulroney, Murray, Selway, Shannon, Stevens, Vandyck and Wilson—13.

Title agreed to.

House Bill No. 266, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Berry, Buck, Carriher, Cone, English, Johnston, Leiper, Meunier, Murray, Quigley, Selway, Shannon, Starz, Vandyck, and Wilson—15.

Title agreed to.

House Bill No. 265, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy,

Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Berry, Buck, Carriher, Cone, English, Johnston, Leiper, Meunier, Murphy, Quigley, Selway, Shannon, Stevens, Sullivan of Lewis and Clarke, and Wilson—15.

Title agreed to.

House Bill No. 267, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Lanstrum, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Leiws and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Berry, Buck, Carriher, Cone, English, Johnston, Leiper, Linderman, Meunier, Murray, O'Connor, Quigley, Selway, Shannon, Stevens, Sykes and Wilson—17.

House Bill No. 268 having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Sykes, Ross, Sales, Sanders, Selway, Sewell, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman, and Mr. Speaker—58.

Noes—None.

Absent and not voting—Berry, English, Johnston, Leiper, Meunier, Murray, MacGinnis, Roll, Sanden, Schoonover, Starz, Stevens, Walker and Wilson—14.

Title agreed to.

House Bill No. 235, having been read three several times, was passed by the following vote

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, English, Geyman, Johnston, Leiper, Murray, Murphy, Roll, Starz, Stevens, and Walker—11.

Title agreed to.

House Bill No. 275, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll Carriher, Christian, Coleman, Cone, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten Potter, Quigley, Richardson, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jeffer-

son, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Collier, Decker, English, Hilman, Leiper, Murray, Murphy, Reel, Roach, Roll, Stevens, Vandyck—13.

Title agreed to.

House Bill No. 278, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship. Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Collier, English, Hewett, Johnston, Kennedy, Leiper, Roach, Roll, Sanders, Stevens, Sullivan of Jefferson, and Walker—13.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

The following message was received from the Governor:

"Executive Office, Helena, Montana, February 27th, 1905.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 39 entitled. "An Act appropriating money for the completing, furnishing and equipping of the building for the Deaf and Blind at Boulder, Montana, and for the erection and equipment of an additional building which shall contain kitchen, manual training shops, etc., at the Montana School for the Deaf and Blind in Boulder, Montana," without my approval and with my objections thereto.

My Sole objection to this bill and the reason therefor is fully set forth in the message accompanying the return of House Bill No. 37, making an appropriation for the Orphans' Home. The objection is briefly that the revenues of the State for the ensuing years 1905 and 1906, will, in my opinion, be inadequate to pay the appropriations made by this bill and will be for that reason beyond the limit of appropriation permitted by the Constitution.

I am advised that bills now pending and looking to the raising of revenues, are likely to be passed and which, if passed would obviate the objection urged.

I can only look at the condition as it confronts me at this time

J. K. TOOLE, Governor."

Upon request of Lanstrum, House Bill No. 39, with the Governor's Message, was referred to the Committee on Ways and Means.

Petitions were received from various churches, organizations and citizens of the State, requesting the passage of House Bill No. 216.

On motion by Bennett, the petitions were considered read in full.

Mr. Speaker Pro Tem. in the chair.

MOTIONS AND RESOLUTIONS.

Mulroney submitted the following Resolution:

"WHEREAS, the Honorable Representative from Broadwater County, Mr. O'Connor, has introduced in this House a Bill, (House Bill No. 216), for more strictly enforcing the law against gambling in this State, and which, we believe, if enacted into law, would largely tend to suppress in our State this great evil, which is morally degrading, and is detrimental to the best interests of our people, both business and material; and

WHEREAS, the end of the Session is drawing very near, therefore,

BE IT RESOLVED: That the Steering Committee is hereby requested to place said House Bill No. 216 at the head of the list of bills upon General Orders, to be next considered in Committee of the Whole."

MacGinnis moved that the Resolution submitted by Mulroney, be laid on the table.

Motion carried by the following vote:

Ayes—Blake, Brigham, Canoll, Carriher, Coleman, Dempster, English, Fairbanks, Geyman, Harrington, Hayes, Lannin, Lanstrum, Linderman, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Roach, Sanden, Selway, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wiedeman, Williams, Wilson, Wood and Wyman—34.

Noes—Bennett, Berry, Blenkenship, Brewster, Buck, Burt, Christian, Collier, Cone, Decker, Everett, Forsythe, Hewett, Huntington, Johnston, Leiper, Metcalf, Mulroney, O'Connor, Potter, Quigley, Richardson, Roll, Ross, Sales, Sanders, Schoonover, Sewell, Sykes, Vandyck, and Mr. Speaker—31.

REPORTS OF SELECT COMMITTEES.

"Mr. Speaker:

We, your Joint Conference Committee on Amendments to Substitute for House Bills Nos. 130 and 133, recommend that Senate Amendment No. 1 be receded from and in eighth line of the Bill after the words "nor shall any excess fare," insert "greater in amount than ten cents" and that the second amendment, changing from seven to five years stand approved.

O. M. LANSTRUM,
C. A. WHIPPLE."

On motion by Lanstrum, report was adopted.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Substitute for Senate Bill No. 48 has been returned correctly printed and is ready for General Orders.

Also by Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 294 has been returned correctly printed, and is ready for General Orders."

Report received, and House Bill No. 294 was placed on General Orders.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 219, 274, 206, 252, 67, Substitute for House Bills Nos. 15 and 104, and House Bills Nos. 99 and 112 as correctly engrossed."

Report received and House Bills Nos. 219, 274, 206, 252, 67, 99, 112 and Substitute for House Bills Nos. 15 and 104 were placed on file for third reading.

By Vandyck:

"Mr. Speaker:

Your Committee on Insurance, having had under consideration House Joint Resolution No. 6, Introduced by Dempster, relating to the investigation into the plan of operation of State Life and Industrial Insurance, report the same back to the House favorably."

On motion by Blake, report was adopted.

Dempster moved that the Rules be suspended and that the Journal show that House Joint Resolution No. 6 has passed the House in its regular order; and that it be sent to the Senate for its concurrence. Motion carried.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 57, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Johnston, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Murray, MacGinnis, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Wilson, Wood and Mr. Speaker—51.

Noes—Blankenship, Collier, Lannin, Meunier, Murphy, Macdonald, Schoonover, Sullivan of Jefferson, Teskey—9.

Absent and not voting—Coleman, Geyman, Huntington, Kennedy, Metcalf O'Brien, Richardson, Shannon, Stevens, Walker, Williams and Wyman—12.

Title agreed to.

House Bill No. 246, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Christian, Collier, Cone, Decker, Dempster, Everett, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck and Mr. Speaker—50.

Noes—None.

Absent and not voting—Bennett, Brigham, Carriher, Coleman, English, Fairbanks, Geyman, Hewett, Kennedy, Leiper, Murray, O'Brien, O'Connor, Sewell, Stevens, Sykes, Walker, Wiedeman, Williams, Wilson, Wood and Wyman—22.

Title agreed to.

House Bill No. 214, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Carriher, Christian, Collier, Decker, Dempster, Everett, Fairbanks, Harrington, Hayes, Hewett, Hilman, Johnston, Lannin, Lanstrum, Metcalf, Mulroney, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—46.

Noes—Forsythe, Huntington, Linderman, Schoonover—4.

Absent and not voting—Bennett, Brigham, Canoll, Coleman, Cone, English, Geyman, Kennedy, Leiper, Meunier, Mumbrue, Murray, Murphy, O'Brien, Potter, Sewell, Shannon, Stevens, Sykes, Teskey, Walker and Wilson—22.

Title agreed to.

Lanstrum raised the point of order that, in the acceptance of the report of the Joint Conference Committee on amendments to Substitute for House Bills Nos. 130 and 133, it was necessary to have a roll call upon the concurrence in the Senate Amendments thereto.

The amendments as reported by the Joint Conference Committee, were concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Buck, Burt, Christian, Collier, Decker, Dempster, Fairbanks, Hayes, Hilman, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Starz, Sullivan of Lewis and Clarke, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—44.

Noes—Blankenship, Brigham, Everett, Forsythe, Harrington, Hayes, Huntington, Potter, Selway, Sullivan of Jefferson—10.

Absent and not voting—Canoll, Carriher, Coleman, English, Geyman, Hewett, Kennedy, Meunier, Murray, O'Brien, Roll, Sewell, Shannon, Stevens, Sykes, Teskey, Walker and Wilson—18.

House Bill No. 106, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Canoll, Christian, Cone, Fairbanks, Harrington, Hayes, Hewett, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, O'Brien, Quigley, Reel, Richardson, Roach, Sanden, Sanders, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wood, Wyman and Mr. Speaker—32.

Noes—Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Collier, Decker, Everett, Forsythe, Hilman, Huntington, Lanstrum, Leiper, Linderman, Metcalf, Mumbrue, Macdonald, O'Connor, Patten, Potter, Roll, Ross, Sales, Schoonover, Selway, Sykes, Vandyck, Wiedeman and Williams—31.

Absent and not voting—Bennett, Coleman, Dempster, English, Geyman, Mulroney, Murray, Stevens and Wilson—9.

Title agreed to.

House Bill No. 206, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mumbrue, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Bennett, Coleman, English, Geyman, Leiper, Mulroney, Murray, Stevens, Sykes, Walker and Wilson—11.

Title agreed to.

House Bill No. 252, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—58.

Noes—None.

Absent and not voting—Bennett, Carriher, Coleman, Collier, English, Geyman, Hewett, Mulroney, Murphy, Shannon, Stevens, Sykes, Walker, and Wilson—14.

Title agreed to.

House Bill No. 67, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Walker, Carriher, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Herrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Berry, Burt, Christian, Coleman, Dempster, English, Geyman, Linderman, Mulroney, Murphy, Sales, Shannon, Stevens, Sullivan of Jefferson and Wilson—15.

Title agreed to.

House Bill No. 99, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman, and Mr. Speaker—66.

Noes—None.

Absent and not voting—Berry, English, Geyman, Hewett, Linderman, and Stevens—6.

Title agreed to.

House Bill No. 219, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper,

Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—Buck, Dempster, and Quigley—3.

Absent and not voting—Berry, Coleman, English, Geyman, Hewett, Kennedy, Linderman, Mulroney, Sales and Stevens—10.

Title agreed to.

House Bill No. 274, having been read three several times, was passed by the following vote:

Ayes—Carriher, Bembrick, Blake, Blankenship, Brewster, Buck, Canoll, Sanders, Christian, Coleman, Collier, Decker, Dempster, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sanden, Schoonover, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—51.

Noes—Bennett—1.

Absent and not voting—Berry, Brigham, Burt, Cone, English, Everett, Hewett, Kennedy, Lannin, Murray, MacGinnis, Macdonald, Roll, Sales, Selway, Stevens, Sullivan of Jefferson, Sykes, Walker and Williams—20.

Title agreed to.

House Bill No. 112, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Burt, Canoll, Carriher, Christian, Collier, Decker, Dempster, Everett, Fairbanks Forsythe, Geyman, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Brigham, Buck, Coleman, Cone, English, Hewett, Meunier, Metcalf, Murray, Murphy, MacGinnis, O'Brien, Stevens Sullivan of Jefferson, Sykes, Walker, and Williams—17.

Title agreed to.

At 4:27 P. M. Lanstrum moved for a call of the House.

Roll called and all members present except Hewett, Mulroney and Stevens.

On motion by Lanstrum, at 4:30 P. M., further proceedings under the Call of the House were dispensed with.

Substitute for House Bills Nos. 15 and 104, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Coleman, Collier, Cone, Dempster, Everett, Forsythe, Geyman, Hayes, Hilman, Johnston, Lannin, Lanstrum, Leiper, Mulroney, Macdonald, Patten, Quigley, Richardson, Roach, Roll, Ross, Sanden, Sanders, Sewell, Starz, Sullivan of Lewis and Clarke, Walker, Wiedeman, Wilson, Wood and Mr. Speaker—38.

Noes—Bennett, Bembrick, Burt, Carriher, Christian, Decker, English, Fairbanks, Harrington, Huntington, Kennedy, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Potter, Reel, Sales, Schoonover, Selway, Shannon, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Williams and Wyman—32.

Absent and not voting—Hewett and Stevens—2.

Title agreed to.

Bennett gave notice that on tomorrow he would move for a reconsideration of the vote upon the final passage of Substitute for House Bills Nos. 15 and 104.

Lanstrum moved that consideration of House Bill No. 27 be postponed until Wednesday.

Motion lost.

House Bill No. 27 was read third time.

Johnston moved for a Call of the House.

Roll called and all members present except Hewett, Kennedy, Murphy, Macdonald and O'Brien.

On motion by Leiper, further proceedings under the Call of the House were dispensed with.

House Bill No. 27, failing to receive a two-thirds vote of the House was defeated by the following vote:

Ayes—Bembrick, Berry, Blankenship, Brewster, Buck, Burt, Canoll, Coleman, Collier, Cone, Dempster, Geyman, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Metcalf, Starz, Meunier, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Shannon, Richardson, Roach, Roll, Sanden, Sanders, Schoonover, Sullivan of Lewis and Clarke, Teskey, Sewell, Vandyck, Walker, Williams, Wood and Wyman—45.

Noes—Bennett, Blake, Brigham, Carriher, Christian, Decker, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Mulroney, Reel, Ross, Sales, Selway, Sullivan of Jefferson, Sykes, Wiedeman, Wilson and Mr. Speaker—24.

Absent and not voting—Hewett, Macdonald and Stevens—3.

COMMUNICATIONS AND PETITIONS.

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate today concurred in House amendments Nos. 1, 3 and 4 and refused to concur in House amendment No. 2 of Senate Bill No. 28 and the Senate asks for a Conference Committee to be appointed to confer with a like Committee from the Senate.

Respectfully,
C. E. WIGHT, Secretary."

Leiper moved that a Conference Committee be appointed. Motion carried.

Mr. Speaker appointed Leiper, Lanstrum and Kennedy as such Conference Committee.

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was today introduced and read first and second times:

Senate Bill No. 87, by McCone: A Bill for an Act to amend Section 4604 of the Political Code of the State of Montana, relating to the compensation and mileage of Sheriffs.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read a third time and passed and are herewith transmitted to the House for its concurrence: Senate Bills Nos. 79, 32, 21, 75 and 63.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 116 was today not concurred in and is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the following Bills were today read a third time and concurred in and are herewith returned to the House: House Bills Nos. 143, 138, 196, 201, 65 and 242; also that the following Bills were read a third time and concurred in as amended: House Bills Nos. 68 and 174.

Respectfully,
C. E. WIGHT, Secretary."

House Bills Nos. 143, 138, 196, 201, 65 and 242 were referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate hereby requests the House to return House Bill No. 182 for its further consideration.

Respectfully,
C. E. WIGHT, Secretary."

On motion by Bennett, the request of the Senate was granted; and House Bill No. 182 was returned to the Senate.

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Whipple, Bentall and McLean were today appointed a Conference Committee to confer with a like Committee from the House regarding the amendments to substitute for House Bills Nos. 130 and 133.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate today adopted the report of the Conference Committee on Substitute for House Bills Nos. 130 and 133 and the Bill is herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Substitute for House Bills Nos. 130 and 133 was referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 81, 150 and 155 were today not concurred in and that House Joint Resolution No. 9 was rejected and the same are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 27th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 10 was today read and concurred in.

Respectfully,
C. E. WIGHT, Secretary."

INTRODUCTION OF BILLS.

The following Bill was introduced and placed on file:

By Walker, by request: H. B. No. 302, A Bill for an Act to prohibit Bucket Shops and Bucket Shopping within this State.

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 203, read first and second times, and referred to Committee on Judiciary

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 71, A Bill for "An Act to amend Title VIII, Division II, Part IV, of the Civil Code of Montana, relating to the appropriation of water for beneficial purposes, and defining the rights of appropriators by adding two new sections to be numbered Section 1903 and 1904," beg to report same back to the House with the recommendation that the same be concured in, as amended.

Amend the title of said Bill by striking out the word "Two" after the word "Adding," in line 4 thereof, and insert in lieu thereof the word "One."

Also amend the title by striking out the words "Sections" where they appear in line four thereof, and insert in lieu thereof the word "Section."

Also amend the title by striking out the word and figures "and 1904," in line four.

Also amend Section 1 by striking out the word "two additional sections" in line two thereof, and insert in lieu thereof the words "An additional section."

Also amend Section 1 by striking out the word "Sections" in line three thereof, and insert in lieu thereof the word "Section."

Also by striking out the word and figures "and 1904" respectively in line 3 of Section 1.

Also amend Section 1 by striking out all of lines 24 to 31 inclusive on page 2, and lines 1 to 5 inclusive on page 3."

On motion by Mumbrue, report was adopted.

Senate Bill No. 71, as amended, was referred to General Orders.

Also by Mulroney

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 287, A Bill for "An Act to amend Sections 12 and 15 of the Code of Civil Procedure relating to the Supreme Court, and providing for two additional Justices of said Court, and fixing the terms of the additional Justices, providing for the election of their successors, and designating the persons who shall hold the office of additional Justices for the first term." beg to report same back to the House with the recommendation that the same do pass as amended.

Amend the Title by striking out Lines 5 and 6 and inserting in lieu thereof the words "and providing for the appointment of the persons who shall hold the office of additional justices for the first term."

Also amend Section 5 by striking out all of Lines 3, 4, 5, 6, 7, 8, 9 and 10, and inserting after the word "created" in line 2, the following words: "shall be appointed by the Governor after the passage and approval of this Act; provided, however, that not more than one of said additional justices to be appointed shall belong to the same political party."

On motion by Berry, report was adopted.

House Bill No. 287, with amendments, was referred to Committee on Printing.

MOTIONS AND RESOLUTIONS.

Wilson moved that the Steering Committee be given power to put House Bill No. 172 on General Orders. Motion carried.

GENERAL ORDERS.

Leiper moved that the House recess until 8 P. M.

Substitute motion, by Johnston, that the House resolve itself into a Committee of the Whole for the consideration of General Orders; and that the Committee consider House Bill No. 168.

Amendment to substitute that the House go into Committee of the Whole for the consideration of House Bill No. 168. Amendment carried.

Substitute motion, as amended, carried.

The House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 168.

Wilson in the chair.

House resumed.

Mr. Speaker in the chair.

Wilson, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 168, Introduced by Sewell, A Bill for an Act to amend Section 540 of the Penal Code of the State of Montana, relating to Public Morals, reports same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 168 was referred to Committee on Engrossment.

On motion by Lanstrum, at 5:25 P. M., the House took a recess until 8 P. M.

EVENING SESSION.

House re-assembled at 8 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

COMMUNICATIONS AND PETITIONS.

A petition was received from Helena Trades and Labor Assembly, requesting the passage of House Bill No. 296. Referred to Steering Committee of the House.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:
"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 290 and 285 have been returned correctly printed and are ready for General Orders."

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Wiedeman in the chair.

House resumed.

Mr. Speaker in the chair.

Linderman moved that, when the House adjourn, it adjourn until 11 A. M. tomorrow.

Motion carried.

Dempster moved that the report of the Committee of the Whole be considered read at length and adopted. Carried.

Wiedeman, from the Committee of the Whole, reported as follows:
"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 38, introduced by Waite, A Bill for an Act entitled, "An Act to prevent and punish the desecration of the flag of the United States", reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 71, introduced by Mahon, A Bill for an Act to amend Title VIII, Division II, Part IV, of the Civil Code of the State of Montana, relating to the appropriation of water for beneficial purposes, and defining the rights of appropriators, by adding one new section to be numbered Section 1903, reports same back to the House with the recommendation that it be concurred by with the following amendment:

Amend Section 1, line 3, by striking out the word "respectively".

Also having had under consideration House Bill No. 226, introduced by Mulroney, A Bill for an Act to amend Section 4247, Article III, Title II, Part IV of the Political Code of the State of Montana, relating to the use of money set apart in a fund known as the "Bond Fund", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 239, introduced by Leiper, A Bill for an Act entitled an Act to Repeal Section 1318 of the Political Code, relating to Elections, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 211, introduced by Potter, A Bill for an Act "To Amend Section 1506, Chapter III, Title IX, Part

II of the Code of Civil Procedure of the State of Montana, relating to the Service of Summons in Justices' Courts", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 294, introduced by Committee on Appropriations, A Bill for an Act to enable the State Board of Land Commissioners, through the State Engineer's Office, to investigate the feasibility of irrigating State Lands; to determine the available water supply; to appropriate water for said lands, and making an appropriation for field and office expenses of such work, reports same back to the House with the recommendation that it do pass.

Also having under consideration House Bill No. 288, Introduced by Dempster, A Bill for an Act Defining the Time of Beginning and Ending of a Day's Work in Underground Mines, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 228, Introduced by Coleman, by request, A Bill for "An Act concerning the Sale of Shares of Stock in Mining and Oil Corporations," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 255, Introduced by Committee on Ways and Means, a Bill for an Act entitled, "An Act to Amend Section 4063 of the Political Code of the State of Montana as the same is now in force after an amendment by an Act entitled, "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana," approved March 6th, 1897, as the same is now in force after an amendment by an Act entitled, "An Act to amend Section 4063 and 4064 of the Political Code of the State of Montana," approved March 4th, 1901, relating to Licenses, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 193, Introduced by Mumbrue, A Bill for an Act entitled, "An Act to Promote Co-operation of the State with the National Government and Enable Montana to Receive the full benefit of National Irrigation Law, by providing for the Creation of a Commission to prepare and report on a Revised Irrigation Code, Fixing Number of Members, Method of Appointment, Duties and Compensation and Appropriating Five Hundred Dollars for Necessary Expenses of said Commission," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 237, Introduced by Johnston, by request, A Bill for an Act to Amend Section 690, Chapter IV, Title VI, of the Code of Civil Procedure of Montana, and providing for the contents of answers in civil actions, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 254, Introduced by Committee on Ways and Means, A Bill for an Act entitled "An Act regulating the issuance of licenses for the sale of intoxicating liquors outside the limits of incorporated cities and towns within this State," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 213, Introduced by M. N. Stevens, A Bill for an Act to provide for the gathering and sale of unknown strays upon the public domain, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 11, by inserting the word "the" after the word "by."

Amend Section 1 line 20, by changing the words "one issue" to "three issues."

Also having had under consideration House Bill No. 280, Introduced by Carriher, A Bill for an Act to create and provide a disability fund for paid Fire Departments in Cities or Towns and to Amend "An Act providing that taxes received from Fire Insurance Companies, Corporations and Associations doing business in the State of Montana be applied to the maintenance of Fire Departments," approved March 7th, 1903, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 4, by changing the figures "1905" to "1903."

Also having had under consideration House Bill No. 217, Introduced by Quigley, A Bill for an Act entitled "An Act to amend Section 1912 of the Political Code of the State of Montana as amended by Substitute for Senate Bill No. 81,

approved March 4th, 1897, and relating to the issuance of Certificates to teach in the Public Schools of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 259, Introduced by Committee on Mines and Mining, A Bill for an Act entitled, "An Act Empowering the Inspectors of Mines to design and enforce sanitary regulations in underground mines, and providing a penalty for the violation of the provisions thereof," reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 223, Introduced by Committee on Judiciary, A Bill for an Act authorizing the Governor to appoint and provide for the compensation of an agent to prosecute claims of the State of Montana against the United States, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, line 11, by striking out the word "fifteen" and inserting in lieu thereof the word "ten."

Also having had under consideration House Bill No. 273, Introduced by Richardson, A Bill for an Act entitled, "An Act to Compel Street Railway Companies to Protect Certain of their Employes from Inclemencies of the Weather," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 253, Introduced by Shannon, A Bill for an Act entitled "An Act to amend Section No. 4740 and Section No. 4748 of the Political Code of the State of Montana relating to Officers and election of Officers in Cities having a population of Eighteen Thousand or over," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 299, Introduced by Coleman, by request, A Bill for an Act entitled, "An Act amending Section 3895, Part III, Title X, Chapter VIII, of the Political Code of the State of Montana, relating to Notice of Application for Tax Deed," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 176, introduced by Lanstrum, A Bill for an Act providing for a Meat and Milk Inspector in cities having 4,000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animals for food purposes and prescribing penalties for the violation of the provisions of this Act, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, line 7, by changing the figures "$3000.00" to "$5000.00."

Amend Section 2, line 16, by adding after the word "cities" the following:

"The jurisdiction of said City Inspectors shall extend over the respective Cities for which they are appointed and over a radius within three miles beyond the corporate limits thereof and also over such domestic animals, premises and persons beyond said limits from which or by whom meat or milk may be supplied for human consumption in such Cities."

Amend the Bill by inserting a new Section to be known and numbered and to read as follows:

"Section 4. Any person, persons or corporation selling or offering for sale or dealing in fresh meats, smoked meats, fish, oysters, or poultry, in Cities in which a Meat and Milk Inspector is appointed, shall annually before the first day of June, register in the books of such Inspector, and shall pay an inspection license to such Meat and Milk Inspector in the sum of Twenty-four Dollars ($24.00) per annum, payable quarterly in advance, which sums shall be paid into the City Treasury."

Insert a new Section to be numbered and read as follows:

"Section 15. Any person, persons, or corporations, in territory where a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such territory, shall annually, before the first day of June, be licensed by the Meat and Milk Inspector of said territory to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy products, the sum of Twelve Dollars ($12.00) per annum, payable quarterly in advance, which sums shall be paid into the City Treasury by such Inspector, quarterly, as received, to be

turned into the general fund; and receipted therefor by said Treasurer to said Inspector."

Subdivision 1. Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

Subdivision 2. Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

Subdivision 3. Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporation, and the name of every driver or other persons employed by the owner or owners in carrying, conveying or selling milk and cream.

Subdivision 4. Each person, persons or corporation shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages or vehicles or conveyance of whatsoever character used by him in the conveyance for sale of milk or cream.

Subdivision 5. Every person, persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market place, depot, or any place whatsoever, in a city, county or territory in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

Subdivision 6. Nothing in this Section, with the exception of Subdivision five, shall be construed to apply to dairies milking five cows, or less.

Amend the Section numbers so that they will follow in proper sequence.

Amend Section 23 by inserting in lieu thereof the following:

"Senate Bill No. 45 of the Laws of 1901, approved March 14, 1901, and Chapter CXX of the Laws of 1903, and all other Acts and parts of Acts in conflict herewith are hereby repealed."

Amend Section 11, line 77, by inserting after the word "milk" the following: "Any milk found in such receptacles, vessels, or cans, containing more than one per cent of butter fat, shall not be considered within the meaning of this Act, "Skimmed Milk."

Amend the title by adding thereto the following:

"And repealing Senate Bill No. 45 of the Laws of 1903, approved March 14, 1901, and Chapter CXX of the Laws of 1903."

Amend Section 14, by striking out all after the word "milk" in line 94 to the word "provided" in line 97.

Amend the new Section 4 by striking out the words "smoked meat."

Amend Section 17, line 117, by striking out all the words after the word "way" and inserting in lieu thereof the word "whatever."

Also having had under consideration Substitute for House Bills Nos. 76 and 244, Introduced by Committee on Sanitary Affairs, A Bill for an Act entitled, "An Act to amend Section 1, 2 15, and 24 of an Act entitled, 'An Act to create the Office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and compensation therefor,' approved March 7th, 1903, and thereby to create a Board of Meat and Milk Inspection, define their duties, including the appointment of Meat and Milk Inspectors, and fix their compensation," reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 290, Introduced by Walker, by request, A Bill for an Act entitled "An Act relative to number of assistants allowed Treasurers in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 285, Introduced by Johnston, A Bill for an Act "To amend Section 4230 of the Political Code of Montana by adding thereto a Subdivision numbered 28, empowering the Board of County Commissioners to offer rewards for the apprehensions of persons charged with felony," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 172, Introduced by Demp-

ster, by request, A Bill for an Act entitled. "An Act relating to number of assistants allowed the Clerk of the District Court, in Counties of the First Class, and Fixing the Compensation allowed to said Deputies and Assistants in Counties of the First Class," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Substitute for Senate Bill No. 48, Introduced by Committee on Judiciary, A Bill for "An Act regulating Foreign Corporations and Joint Stock Companies doing a Banking Business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof," reports same back to the House with the recommendation that it do pass."

Report adopted.

Senate Bills Nos. 38, 71, as amended, were placed on file for third reading.

House Bills Nos. 226, 239, 211, 294, 288, 228, 255, 193, 237, 254, 213, as amended, 280, as amended, 217, 259, 273, 253, 229, 176, as amended, 290, 285, 172, and House Substitute for Senate Bill No. 48, and Substitute for House Bill No. 223, as amended, were referred to Committee on Engrossment.

On motion by Lanstrum, at 10:40 P. M., the House adjourned.

.....
Speaker.

.....
Chief Clerk.

FIFTY-EIGHTH DAY

Tuesday, February 28th, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present except Geyman and Sullivan of Lewis and Clarke.

COMMUNICATIONS AND PETITIONS.

A telegram, signed by 32 citizens of Kalispell, was read, praying for the passage of House Bill No. 216. Referred to Steering Committee of the House.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 212, 260, 282, 291, 295, 232, 284, 298, 299, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 212, 260, 282, 291, 295, 232, 284, 298, 299, were placed on General Orders.

By Leiper:

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration House Bill No. 271, "An Act to provide for Cumulative Voting in the Election of Representatives in the Legislative Assembly of the State of Montana," beg leave to recommend that the same be indefinitely postponed.

On motion by Bennett, report was adopted.

By Fairbanks:

"Mr. Speaker:

Your Committee on Federal Relations, to whom was referred the matter of drafting a memorial to Congress, relative to a bill that has been introduced in the House of Representatives of the United States, by the Honorable Joseph M. Dixon, of Montana, to allow settlers to make Homestead Entries of six hundred and forty acres of land, beg leave to report that they recommend the adoption of the following House Joint Memorial:

HOUSE JOINT MEMORIAL NO. 11.

Introduced by Committee on Federal Relations.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

WHEREAS, the Hon. Joseph M. Dixon has introduced in the House of Representatives of the United States a bill for an Act to allow settlers to make a Homestead entry on 640 acres of land, when such land is arid and not susceptible of irrigation; and,

Whereas, the Hon. Joseph M. Dixon has asked for an expression of the sentiment of the Ninth Legislative Assembly of the State of Montana in regard to said bill; and,

Whereas, as we believe that such a measure would result in the grazing lands of the State of Montana being acquired by the owners of large live stock interests to the detriment of the great majority of the farmers of Montana, who are owners of small bands of sheep and cattle, and whose livelihood depends upon having access to the free public range; and,

Whereas, we do not believe any considerable number of bona fide homestead settlers would take advantage of such law;

Therefore, be it resolved, that we, your memorialists, of the Ninth Legislative Assembly of the State of Montana earnestly pray and petition the Congress of the United States to defeat such legislation, and not to enact any legislation which will increase the amount of land that may be included in a homestead entry; and,

Be it further resolved, that the Secretary of State be and he is hereby instructed to forthwith transmit copies of this memorial, properly authenticated, to our Senators and Representative in Congress from the State of Montana."

On motion by Dempster, report was adopted.

House Joint Memorial No. 11 was referred to Committee on Printing.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 221, Introduced by Coleman, Entitled, "An Act creating a commission to Revise and Codify the laws of Montana, defining its duties, providing for the publication and distribution of its reports and providing for its compensation," beg leave to report the same back to the House with the recommendation that the same do pass.

On motion by Cone, report was adopted.

House Bill No. 221 was referred to Committee on Printing.

Also by Mulroney

"Mr. Speaker:

We, your Committee on Judiciary, to whom was referred Senate Bill No. 64, A Bill for an Act entitled, "An Act relating to internal improvements in cities and towns, authorizing the issuance and collection of Special Improvement Warrants or Bonds upon the property benefitted by local improvements," beg to report same back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Senate Bill No. 64 was placed on General Orders.

Also by Mulroney

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 45, A Bill for an Act entitled, "An Act to amend Section 224 of the Political Code of Montana, relating to the compensation of officers and employees of the Legislative Assembly," beg to report the same back to the House with the recommendation that the same be concurred in."

On motion by Sanden, report was adopted.

Senate Bill No. 45 was referred to General Orders.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 296, A Bill for an Act entitled "An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana relating to County Printing, to be designated as Section 4234 providing a penalty for viola-

tion of Section 4233 of the Political Code," beg to report same back to the House with the recommendation that it do pass."

On motion by Ross, report was adopted.

House Bill No. 296 was referred to Committee on Printing.

By Mumbrue:

"Mr. Speaker:

Your Committee on Irrigation and Water Rights to whom was referred Senate Substitute for House Bill No. 96 and Senate Bill No. 49, recommended by Committee on Irrigation and Water Rights, A Bill for "An Act to Authorize the Appointment of a Commissioner for the Measurement and Division of Water under Decree of Court in Certain Cases, and Prescribing his Duties and Compensation," beg leave to report the same back to the House with the recommendation that it be concurred in."

On motion by Mumbrue, report was adopted.

Senate Substitute for House Bill No. 96 and Senate Bill No. 49 was referred to General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 135, A Bill for an Act entitled. "An Act to amend Section 4602 of Chapter IV, Title II, Part IV, of the Political Code of Montana, relating to the number of Deputies allowed County Treasurer, Assessor, Auditor and County Attorney," and to repeal House Bill No. 89 of the Session Laws of 1901, entitled "An Act relative to the number of assistant and Deputy County Attorneys in Counties of the first and Second Class, and allowing the County Commissioners to fix the Compensation thereof," approved March 4th, 1901, beg leave to report back to the House a Substitute for said House Bill No. 135 entitled, "An Act relating to the Number of Deputies allowed County Auditors in counties of the First Class, and fixing the Compensation of same," and recommend that the said Substitute do pass."

On motion by Hewett, report was adopted.

Substitute for House Bill No. 135 was referred to Committee on Printing.

Everett moved that the Judiciary Committee be instructed to report back House Bill No. 215 immediately.

Lannin moved to lay the motion on the table.

Motion to lay on table lost; Ayes 28; Noes 32.

Motion by Everett carried by the following vote:

Ayes—Bennett, Berry, Blankenship, Brewster, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Hewett, Hilman, Huntington, Johnston, Lannin, Metcalf, Mulroney, Mumbrue, Murray, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roll, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—44.

Noes—Bembrick, Canoll, Coleman, Dempster, Harrington, Hayes, Kennedy, Linderman, Meunier, Murphy, Roach, Sanden, Shannon, Starz, Sullivan of Jefferson, Teskey, Walker, and Wyman—18.

There being no objection, Mr. Speaker granted the Judiciary Commitee until after the noonday recess to report on House Bill No. 215.

By Brigham:

"Mr. Speaker:

Your Committee on Libraries having had under consideration Substitute for Senate Bill No. 35, A Bill for an Act entitled, "An Act to amend Sections 5039 of the Political Code of the State of Montana, relating to the establishment and maintenance of Free Public Libraries, as amended by an Act of the Fifth Legislative Assembly of Montana, approved March 3rd, 1897," beg leave to report the same back to the House with the recommendation that it be concurred in."

On motion by Wilson, report was adopted.

Substitute for Senate Bill No. 35 was referred to General Orders.

INTRODUCTION OF BILLS.

Kennedy asked unanimous consent to introduce a Bill without having given previous notice. Carried.

By Committee on Appropriations: H. B. No. 303, A Bill for an Act making appropriations for the State Institutions of Montana for the Fiscal years ending November 30th, 1905, and November 30th, 1906."

By Committee on Appropriations: H. B. No. 304: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of A. T. Wright, account services rendered the Ninth Legislative Assembly."

By Kennedy: H. B. No. 305, A Bill for an Act to authorize the compromise of outstanding disputed evidences of indebtedness of Cities and Towns issued for municipal purposes and now held or owned by Bona Fide holders thereof for value, and the issuance of Funding Bonds therefor.

READING OF HOUSE BILLS.

Murray moved that the rules be suspended and that House Bill No. 303 be considered read first and second times and referred to General Orders. Carried unanimously.

House Bill No. 303 was ordered printed.

H. B. No. 304, read first and second times, and referred to Committee on Printing.

H. B. No. 305, read first and second times, and referred to Committee on Judiciary

THIRD READING OF HOUSE BILLS.

Senate Amendments to House Bill No. 68 were read and concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, Patten, Potter, Quigley. Reel, Richardson, Roach, Roll, Ross,, Sales, Sanders Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Blake, Dempster, Geyman, Leiper, Meunier, Murray, MacGinnis, O'Brien, O'Connor, Sanden, Selway, Shannon, Sullivan of Lewis and Clarke, Walker and Wood—15.

Johnston moved to amend the title of House Bill No. 68 by insertnig in line 2 of the title, after the word "answer," the words "to demur, to appear."

Amendment passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Blake, Coleman, English, Geyman, Lanstrum, Meunier, Murray, MacGinnis, O'Brien, Sales, Selway, Shannon, Sullivan of Lewis and Clarke, Sykes and Walker—15.

Title, as amended, agreed to.

Senate amendments to House Bill No. 174 were read and concurred in by the following vote:

Ayes—Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—58.

Noes—None.

Absent and not voting—Bennett, Blake, Coleman, English, Everett, Geyman,

Murray, MacGinnis, O'Brien, Sanden, Selway, Sullivan of Lewis and Clarke, Vandyck, and Wood—14.

On motion by Linderman, the rules were suspended, and Senate Bill No. 38 was read by title only and concurred in by the following vote:

Ayes—Bennett, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Walker, Wiedeman, Williams, Wilson and Mr. Speaker—52.

Noes—Dempster, Hayes, Kennedy, Lannin, Meunier, Murphy, and Teskey—7.

Title agreed to.

On motion by Canoll, the rules were suspended, and Senate Bill No. 71 was read by title only, and concurred in by the following vote:

Ayes—Bennett, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, Blake, Coleman, Hilman, MacGinnis, O'Connor, Quigley, Sales, Shannon, and Sullivan of Lewis and Clarke—11.

REPORTS OF STANDING COMMITTEES.

Title agreed to.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 193, 217, 294. 211, 254, 259, 255 and 273 as correctly engrossed."

Report received and House Bills Nos. 193, 217, 294, 211, 254, 259, 255 and 273 were placed on file for third reading.

MOTIONS AND RESOLUTIONS.

By Committee on Judiciary: House Joint Resolution No. 12:

RESOLUTION FOR THE CREATION OF A COMMISSION TO BE KNOWN AS THE "COMMISSION ON STATE FINANCE."

There is hereby created by the House of Representatives of the Ninth Legislative Assembly of the State of Montana, the Honorable Senate concurring, a Commission to be known as the "Commission on State Finance."

The said Commission is to consist of His Excellency, Governor Joseph K. Toole, Attorney General, Honorable Albert J. Galen, Secretary of State, Honorable A. N. Yoder, State Auditor, Honorable Harry R. Cunningham, and State Treasurer, Honorable J. H. Rice, who shall constitute a Commission on State Finance.

It shall be the duty of said Commission, without extra compensation, to devise a plan for the raising of revenues, sufficient to meet the needs of the legitimate expenses of the different departments of the State Government, and of the various State Institutions, on some equitable basis, and all the interests of the State; without inflicting any particular or special burdens upon any class of our citizens, or upon any industry, profession or occupation; and the above Commission shall perform the duties above prescribed, and make proper report to the next Legislative Assembly.

On motion by Lanstrum, House Resolution No. 12 was adopted.

On motion by Linderman, at 12:05 P. M. the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

House re-assembled at 1:30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

COMMUNICATIONS AND PETITIONS.

A telegram was received from various citizens of Kalispell, praying for the passage of House Bill No. 216. Referred to Steering Committee.

REPORTS OF SELECT COMMITTEES.

Sewell reported as follows:-

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Monday, February 27th, and believe same to be correct."

On motion by Sanden, report was adopted.

READING OF SENATE BILLS.

On motion by Lanstrum, the rules were suspended, and all Bills except Appropriation Bills were read first and second times by title only.

S. B. No. 63, read first and second times. and referred to Committee on Judiciary

S. B. No. 32, read first and second times, and referred to Committee on Ways and Means.

S. B. No. 21, read first and second times, and referred to Committee on Military Affairs.

S. B. No. 75, read first and second times, and referred to Committee on Judiciary

S. B. No. 79, read first and second times, and referred to Committee on Privileges and Elections.

THIRD READING OF BILLS.

On motion by Linderman, the rules were suspended and all bills, except Appropriation Bills, were read third time by title only.

House Bill No. 273, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington Hayes, Hilman. Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Teskey, Vandyck, Williams, Walker, Wiedeman, Wilson, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Blake, Canoll, Coleman, English, Geyman, Hewett, Leiper, Meunier, MacGinnis, Sullivan of Lewis and Clarke, Sykes and Wood—13.

Title agreed to.

House Bill No. 217. having been read three several times. was passed by the following vote:

Ayes—Bennett, Berry. Bembrick, Blankenship. Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hayes. Hilman, Huntington. Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Meunier, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor. Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, MacGinnis, Starz, Stevens, Sullivan of Jefferson, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Blake, Canoll, Coleman, Dempster, Geyman. Hewett, Leiper, Shannon, Sewell, Sullivan of Lewis and Clarke, Sykes and Wood—12.

Title agreed to.

House Bill No. 193, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Buck. Burt, Decker, Canoll, Carriher, Christian, Collier, Cone, Dempster, English. Everett, Forsythe, Harrington, Hewett, Hilman, Kennedy. Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald,

O'Brien, O'Connor, Patten, Potter, Richardson, Roach, Ross, Sales, Sanden, Sanders, Selway, Sewell, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—55.

Noes—Hayes, Huntington, Johnston, Murphy, Quigley, Reel, Schoonover, and Stevens—8.

Absent and not voting—Brewster, Coleman, Fairbanks, Forsythe, Roll, Shannon, Sullivan of Lewis and Clarke, Wilson and Wood—9.

Title agreed to.

House Bill No. 255, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Decker, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Sales, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—56.

Noes—Canoll, Berry, Kennedy, Quigley, Sanden, Starz, Sullivan of Lewis and Clarke, and Teskey—8.

Absent and not voting—Coleman, Cone, Dempster, Geyman, Linderman, Ross, Walker and Wood—8.

Title agreed to.

House Bill No. 294 was read third time at length.

Mumbrue moved for a call of the House.

Roll called and all members present except Collier, Cone, Dempster, Sanders and Wood.

On motion by Wyman, further proceedings under the Call of the House were dispensed with.

House Bill No. 294 was defeated by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Coleman, Dempster, English, Harrington. Hilman, Johnston, Lannin, Leiper, Meunier, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Richardson, Roach, Sanden, Shannon, Sullivan of Lewis and Clarke, Walker, Wiedeman, Wilson and Mr. Speaker—32.

Noes—Bennett, Brigham, Carriher, Christian, Cone, Decker, Everett, Fairbanks, Forsythe, Geyman, Hayes, Hewett, Huntington, Kennedy, Lanstrum, Linderman, Metcalf, Mulroney, Murphy, O'Brien, Potter, Quigley, Reel, Roll, Ross, Sales, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Williams, and Wyman—37.

Absent and not voting—Collier, Sanders and Wood—3.

House Bill No. 211, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Decker, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wilson, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Collier, Cone, English, Everett, Geyman, Murray, MacGinnis, Sanden, Sanders, Shannon, Sullivan of Jefferson, Sykes, Wiedeman, Williams and Wood—15.

Title agreed to.

House Bill No. 254, having been read three several times, was passed by the following vote:

Ayes—Bennett. Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Connor, Patten, Potter, Richardson, Roll, Ross, Sales, Schoonover, Selway, Sewell, Stevens, Sulli-

van of Jefferson, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—49.

Noes—Berry, Canoll, Hayes, Metcalf, O'Brien, Quigley, Reel, Roach, Sanden, Starz, and Sullivan of Lewis and Clarke—11.

Absent and not voting—Carriher, Coleman, Cone, English, Geyman, Lannin, Murray, MacGinnis, Sanders, Shannon, Teskey and Wood—12.

Title agreed to.

Hewett moved that House Bill No. 259 be re-referred to Committee on Mines and Mining. Carried.

House Bill No. 259 was re-referred to Committee on Mines and Mining.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 168, 226, 213, 237, 223, 172, 288, 285, 280, 290, 253, 229, 239, 228, and House Substitute for Senate Bill No. 48 as correctly engrossed."

Report received and House Bills Nos. 168, 226, 213, 237, 223, 172, 288, 285, 280, 290, 253, 229, 239, 228 and House Substitute for Senate Bill No. 48 were placed on file for third reading.

By Murray:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill No. 251, Introduced by Wiedeman, A Bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian, and to make an appropriation for such experiments, reports same back to the House with the recommendation that it do pass."

On motion by Canoll, report was adopted.

House Bill No. 251 was referred to Committee on Printing.

By Linderman:

We, your Committee on Printing, beg leave to report that House Bills Nos. 301, and 297 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 301 and 297 were placed on General Orders.

By Mulroney:

"Mr. Speaker:

We, your Committee on Apportionment and Representation, to whom was referred House Bill No. 38, "A Bill for an Act entitled 'An Act to provide for Apportionment of Membership and Representation of the several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to Fix the number of Members thereof," having had the same under consideration, beg to report back to the House that we have prepared a Substitute for House Bill No. 38 and recommend that the substitute bill do pass."

On motion by Blake, report was adopted.

Substitute for House Bill No. 38 was referred to Committee on Printing.

Also by Mulroney:

We, your Committee on Judiciary, to whom was referred House Bill No. 215, "A Bill for an Act entitled 'An Act to Suppress Pool Rooms, to provide penalty for Violation of its Provisions and to secure the Enforcement of such Penalty and Provisions," not having had sufficient time to meet and consider said Bill since the order made by the House this morning that we report the Bill back by the beginning of the afternoon session, beg to report the same back to the House without recommendation.

We do feel called upon, however, to report to the House that the author of the Bill, one Thomas M. Everett, be recommended to the mercy of the House for his impertinence in asking for a report of said Bill, as a majority of the Committee had already made elaborate preparations for the interment of said Bill in the Committee Graveyard."

Lannin moved that the report be received and that the bill be indefinitely postponed.

Substitute motion by Everett, that the report be received and the Bill be printed and placed upon General Orders. Substitute motion lost; Ayes 25; Noes 31.

Original motion carried; Ayes 37, Noes 17.

THIRD READING OF HOUSE BILLS.

House Bill No. 290, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Decker, Dempster, Everett, Fairbanks, Forsythe, Geyman, Hayes, Harrington, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson and Mr. Speaker—61.

Noes—Huntington—1.

Absent and not voting—Coleman, Collier, Cone, English, MacGinnis, O'Connor, Ross, Kennedy, Wood and Wyman—10.

Title agreed to.

Everett moved for a reconsideration of the vote upon the final passage of House Bill No. 294. Motion carried; Ayes 31; Noes 14.

On motion by Everett, House Bill No. 294 was re-referred to the Committee of the Whole.

House Bill No. 172, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Dempster, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Johnston, Lannin, Lanstrum, Leiper, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—57.

Noes—Huntington—1.

Absent and not voting—Berry, Coleman, Collier, Cone, Decker, English, Kennedy, Linderman, Meunier, Murray, Ross, Sanden, Shannon and Wood—14.

Title agreed to.

House Bill No. 237, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—52.

Noes—Lannin—1.

Absent and not voting—Bennett, Canoll, Coleman, Collier, Cone, Decker, Dempster, English, Geyman, Murray, MacGinnis, Macdonald, O'Brien, Roll, Sanden, Sullivan of Lewis and Clarke, Walker, Wood and Wyman—19.

Title agreed to.

House Bill No. 213, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, MacGinnis, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—54.

Noes—Huntington—1.

Absent and not voting—Bennett, Burt, Carriher, Collier, Cone, Decker, English, Geyman, Murray, Macdonald, O'Brien, Roll, Sales, Sanden, Walker, Wood and Wyman—17.

Title agreed to.

House Substitute for Senate Bill No. 48, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Geyman, Harrington, Hayes, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Metcalf, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Bennett, Carriher, Coleman, Collier, Cone, Lanstrum, Linderman, Meunier, O'Brien and Wood—10.

Title agreed to.

House Bill No. 226, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blake, Blankenship, Brigham, Buck, Burt, Canoll, Carriher, Christian, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Kennedy, Lannin, Metcalf, Meunier, Mulroney, Mumbrue, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—53.

Noes—None.

Absent and not voting—Bennett, Berry, Brewster, Coleman, Collier, Cone, Decker, Geymon, Hayes, Lanstrum, Leiper, Linderman, Murray, Murphy, MacGinnis, Richardson, Stevens, Walker and Wood—19.

Title agreed to.

House Bill No. 168, having been read three several times, was defeated by the following vote:

Ayes—Bennett, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Decker, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Mumbrue, Macdonald, Potter, Quigley, Richardson, Sales, Sanders, Sewell, Vandyck, Wiedeman, Williams and Mr. Speaker—28.

Noes—Berry, Bembrick, Canoll, Carriher, Cone, English, Hayes, Hewett, Kennedy, Lannin, Lanstrum, Metcalf, Mulroney, Murphy, MacGinnis, O'Brien, Patten, Reel, Roach, Roll, Ross, Sanden, Schoonover, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, and Wyman—29.

Absent and not voting—Coleman, Collier, Dempster, Geyman, Leiper, Meunier, Murray, Macdonald, O'Connor, Selway, Shannon, Stevens, Walker, Wilson and Wood 15.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 28th day of February, 1905:

House Joint Resolution No. 10, Authorizing the Attorney General to institute an investigation into the operations of trusts, etc.

Also Substitute for House Bills Nos. 130 and 133, An Act to Regulate the rate per mile for transportation of passengers on railroads and railways operated wholly or in part in the State of Montana, and providing penalties for the violation thereof.

Also House Bill No. 201, An Act appropriating money for the payment of Deficiency Claims of the Eighth Legislative Assembly for expenses incurred.

Also House Bill No. 242, An Act appropriating money to defray the expenses of the Joint Committee, appointed to investigate the Penitentiary at Deer Lodge, Montana.

Also House Bill No. 143, An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other irrigation System of the National Government.

Also Substitute for House Bill No. 138, An Act to repeal Sections 4, 6, 11, 12, 21 and 25 of House Bill No. 123, entitled An Act to repeal Sectinos 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8, 1897, and to also repeal Sections 1, 2, 3 and 5 of the said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game.

Also House Bill No. 65, An Act prescribing the Hours of Labor which shall constitute a day's work on all works or undertakings carried on or aided by Municipal, County or State Government and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the provisions of this Act.

Also House Bill No. 196, An Act Authorizing the Issuance of Refunding Bonds to the amount of Eighty Thousand ($80,000.00) Dollars, for the purpose of Redeeming and Refunding at a lower Rate of Interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds heretofore Issued under Sections 1630 to 1637 Inclusive, of the Political Code of Montana."

Mr. Speaker announced to the House that he was about to sign Substitute for House Bill No. 138, An Act to repeal Sections 4, 5, 11, 12, 21 and 25 of House Bill No. 123, entitled An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8, 1897, and to repeal Sections 1, 2, 3 and 5 of the said Act as amended by House Bill No. 13, Session Laws of 1901, approved March 14, 1901, and to provide further protection to birds, fish, fur bearing animals and game.

Also House Bill No. 65, An Act Prescribing the Hours of Labor which shall constitute a day's work on all works or undertakings carried on or aided by Municipal, County or State Government and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the provisions of this Act.

Also House Bill No. 196, An Act authorizing the Issuance of Refunding Bonds to the amount of Eighty Thousand Dollars ($80,000.00), for the purpose of Redeeming and Refunding at a Lower Rate of Interest the One Hundred Thousand Dollars of Montana Agricultural College Bonds Heretofore Issued Under Sections 1630 to 1637 Inclusive of the Political Code of Montana.

Also House Bill No. 143, An Act to Regulate the Sale of Irrigable State Lands Capable of Reclamation under any Canal, or Proposed Canal, or other Irrigation System of the National Government.

Also House Bill No. 201, An Act appropriating money for the payment of deficiency claims of the Eighth Legislative Assembly for expenses incurred.

Also House Bill No. 242, An Act appropriating money to defray the expenses of the Joint Committee, appointed to investigate the Penitentiary at Deer Lodge, Montana.

Also House Joint Resolution No. 10, Authorizing the Attorney General to institute an investigation into the operations of trusts, etc.

Also Substitute for House Bills Nos. 130 and 133, An Act to Regulate the rate per mile for transportation of passengers on railroads and railways operating wholly or in part in the State of Montana, and Providing penalties for the violation thereof.

Also Senate Bill No. 39, An Act amending Title XII, Chapter XIV, Part III, Article III, of the Code of Civil Procedure of the State of Montana, relating to the powers and duties of guardians by adding two Sections thereto, to be known as Sections 2989 and 2990.

Also Senate Bill No. 8, An Act to amend Section 4024 of the Political Code

of the State of Montana, relating to the protest of taxes, and providing for an Action at Law, to recover taxes paid under protest, by adding thereto a Section to be known as Section 4024 A, relating to assessment and collection of taxes.

Also Senate Bill No. 47, An Act to amend Section 3066 of the Civil Code of Montana relating to the renewal of mortgages of personal property, as amended by Senate Bill No. 46, Session of 1903, approved March 4th, 1903.

Also Senate Bills No. 46, An Act to amend Section 20 of an Act entitled "An Act to establish a tax on direct and collateral inheritances, bequests, and devices, to provide for its collection and direct the disposition of its proceeds," approved March 4th, 1897.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Shannon: H. B. No. 306, A Bill for an Act to provide for the payment of employees semi-monthly in Mines, Mills and Smelters in the State of Montana, and providing a penalty for the violation thereof.

By Dempster: H. B. No. 307, An Act to amend Sub-division 5, Section 3701 of the Political Code of the State of Montana, relating to the assessment of property.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 306, read first and second times, and referred to Committee on Labor.

H. B. No. 307, read first and second times, and referred to Committee on Judiciary

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 145, 287, 300 and Substitute for House Bill No. 261, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 145, 287, 300 and Substitute for House Bill No. 261, were placed on General Orders.

THIRD READING OF HOUSE BILLS.

House Bill No. 288, having been read thrre several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Decker, Dempster, English, Harrington, Hayes, Hewett, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Reel, Roll. Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—57.

Noes—Forsythe, Huntington—2.

Absent and not voting—Bennett, Coleman, Cone, Everett, Fairbanks, Geyman, Hilman, Leiper, Mulroney, Roll, Starz, Vandyck and Wood—13.

Title agreed to.

House Bill No. 285, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Decker, English, Fairbanks, Forsythe, Harrington, Hayes, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel. Richardson, Roach, Roll, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—54.

Noes—Huntington and Lannin—2.

Absent and not voting—Coleman, Cone, Dempster, Everett, Geyman, Hewett,

Hilman, Leiper, Meunier, Mumbrue, O'Brien, Ross, Selway, Starz, Vandyck, and Wood—16.

Title agreed to.

House Bill No. 280, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Decker, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Wiedeman, Williams, Wyman and Mr. Speaker—53.

Absent and not voting—Coleman, Collier, Cone, English, Everett, Geyman, Hilman, Kennedy, Leiper, Meunier, Mumbrue, O'Brien, Richardson, Sales, Starz, Vandyck, Walker, Wilson and Wood—19.

Title agreed to.

House Bill No. 253, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Decker, Dempster, English, Fairbanks, Forsythe, Harrington, Hayes, Hewett, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—56.

Noes—None.

Absent and not voting—Blake, Coleman, Collier, Cone, Everett, Geyman, Hilman, Kennedy, Meunier, Mumbrue, Macdonald, Roll, Sales, Selway, Starz and Wood—16.

Title agreed to.

House Bill No. 229, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Canoll, Carriher, Christian, Cone, Decker, Fairbanks, Forsythe, Harrington, Hayes, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Murphy, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—47.

Noes—None.

Absent and not voting—Blake, Brigham, Burt, Coleman, Collier, Dempster, English, Everett, Geyman, Hewett, Hilman, Kennedy, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, Roach, Roll, Sales, Starz, Vandyck, Wilson and Wood—25.

Title agreed to.

Leiper moved for a call of the House.

Roll called and all members present except Blankenship, Coleman, Geyman, Hewett, Mulroney, Macdonlad, Roll, Sewell, Sykes and Wood.

On motion by Johnston, further proceedings under the call of the House were dispensed with.

House Bill No. 239, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Cone, Decker, English Everett, Fairbanks, Forsythe, Hayes, Hewett, Hilman, Huntington Johnston, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Patten, Potter, Richardson, Ross, Sales, Sanden, Sanders, Selway, Starz, Stevens, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—45.

Noes—Blankenship, Collier, Dempster, Carriher, Kennedy, Lannin, Meunier, Macdonlad, O'Brien, O'Connor, Quigley, Reel, Roach, Schoonover, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker and Wyman—20.

Absent and not voting—Coleman, Geyman, Murray, Roll, Sewell, Sykes and Wood—7.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 296, 293, 303 and Substitute for House Bill No. 135 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 296, 293, 303 and Substitute for House Bill No. 135, were placed on General Orders.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 176 as correctly engrossed."

Report received and House Bill No. 176 was placed on file for third reading.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 28th day of February, 1905, at the hour of 3:35 P. M., delivered to his Excellency, the Governor the following House Bills: House Joint Resolution No. 10, Substitute for House Bills Nos. 130 and 133, House Bills Nos. 201, 242, 143, Substitute for House Bill No. 138, 65 and 196."

Report received and placed on file.

THIRD READING OF HOUSE BILLS.

House Bill No. 288, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—56.

Noes—None.

Absent and not voting—Bennett, Carriher, Coleman, English, Geyman, Hewett, Meunier, Mumbrue, Murray, Roll, Sewell, Sullivan of Jefferson, Sykes, Teskey, Vandyck, and Wood—16.

Title agreed to.

Substitute for House Bill No. 223, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Stevens, Sullivan of Lewis and Clarke, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Coleman, English, Geyman, Hewett, Murray, Murphy, Reel, Roll, Shannon, Starz, Sullivan of Jefferson, Sykes, Teskey, Vandyck and Wood—15.

Title agreed to.

House Bill No. 176, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Cone, Decker, Dempster, English, Everett, Forsythe, Harrington, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linder-

man, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, O'Connor, Patten, Potter, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—52.

Noes—Berry, Coleman, Collier, Fairbanks, Hayes, Kennedy, Leiper, Meunier, Teskey, Macdonald, O'Brien, Quigley, Sullivan of Jefferson, Sullivan of Lewis and Clarke—14.

Absent and not voting—Hewett, Roll, Sykes and Wood, Geyman and Murray—6.

Title agreed to.

Sewell gave notice that on tomorrow he would move for a reconsideration of the vote upon the final passage of House Bill No. 168.

REPORTS OF STANDING COMMITTEES.

Ross reported as follows:

"Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 306, "A Bill for an Act to provide for the payment of employees semi-monthly in Mines, Mills and Smelters in the State of Montana, and providing a penalty for the violation thereof," report the same back to the House with the recommendation that it do pass."

On motion by Wyman, report was adopted.

House Bill No. 306 was referred to Committee on Printing.

On motion by Dempster, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Berry in the Chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum moved that when this House recess, it recess until 8 P. M. Carried.

INTRODUCTION OF BILLS.

Wyman requested unanimous consent to introduce a Bill without having given previous consent. Granted.

The following Bill was introduced and placed on file:

By Wyman: H. B. No. 308, A Bill for an Act fixing the maximum number of Deputy Sheriffs in Counties of the first class, and the maximum annual compensation thereof."

On motion by Johnston, the report of the Committee of the Whole was considered read and adopted.

Berry, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Substitute for Senate Bill No. 35, Introduced by Harper, A Bill for an Act to amend Section 5039 of the Political Code of Montana, relating to the establishment and maintenance of public libraries, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 45, Introduced by Maddox, A Bill for an Act entitled, "An Act to amend Section 224 of the Political Code of Montana relating to the compensation of officers and employees of the Legislative Assembly," reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Substitute for House Bill No. 96 and Senate Bill No. 49, Recommended by Committee on Irrigation and Water Rights, A Bill for an Act to authorize the Appointment of a Commissioner for the Measurement and Division of Water under Decree of Court in Certain Cases, and Prescribing His Duties and Compensation, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 64, Introduced by Maddox, by request, A Bill for an Act entitled, "An Act relating to internal improvements in cities and towns, authorizing the issuance and collection of Special Improvement Warrants or Bonds upon the property benefitted by local improvements," reports same back to the House with the recommendation that it be not concurred in.

Also having had under consideration House Bill No. 270, Introduced by Committee on Live Stock and Public Ranges, A Bill for an Act entitled, "An Act to Provide for a State Veterinary Surgeon and Deputies; and to Define the Powers and Duties of each; and to provide for the Eradication of Disease in Domestic Live Stock, their Quarantine and Sanitary Inspection; and to Repeal Act covering this subject; and Providing Penalties for Violations of this Act or Regulations Prescribed herein," reports same back to the House with the recommendation that it be referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 298, Introduced by Committee on Judiciary, A Bill for an Act entitled, "An Act to Revise and Establish the Name of Sacajawea (the Bird Woman), to a Branch of the Musselshell River, in Fergus County, State of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 284, Introduced by Richardson, A Bill for an Act entitled, "An Act requiring corporations doing business in the State of Montana to pay an annual license fee," reports same back to the House with the recommendation that it do not pass.

Also having had under consideration House Bill No. 287, Introduced by Murray, A Bill for an Act to Amend Sections 12 and 15 of the Code of Civil Procedure relating to the Supreme Court, and providing for two additional Justices of said Court, and fixing the terms of the additional Justices, providing for the election of their successors, and providing for the appointment of the persons who shall hold the office of additional justices for the first term, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 3, in lines 18 and 20, by striking out the words "at the date of his appointment" and inserting in lieu thereof the words and figures "April 1st, 1905," in each line."

Report adopted.

Senate Bills Nos. 45, Substitute for Senate Bill No. 35, and Senate Substitute for House Bill No. 96 and Senate Bill No. 49, were placed on file for third reading.

House Bills Nos. 298 and 287, with amendment, were referred to the Committee on Engrossment.

House Bill No. 270 was referred to the Committee on Judiciary.

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 308, read first and second times, and referred to Committee on Judiciary.

On motion by Wyman, at 6:10 P. M., the House recessed until 8 P. M.

EVENING SESSION.

House re-assembled at 8 o'clock.

Mr. Speaker in the chair.

Roll called. No quorum present.

Mr. Speaker excused Roll.

Mumbrue, duly seconded, moved for a Call of the House.

All members present except Bennett, Bembrick, Brewster, Brigham, Burt, Canoll, Everett, Fairbanks, Geyman, Hewett, Kennedy, Lanstrum, Leiper, Linderman, Meunier, Murphy, MacGinnis, O'Brien, O'Connor, Potter, Quigley, Roach, Roll, Schoonover, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman and Wood.

On motion by Berry, further proceedings under the call of the House were dispensed with.

GENERAL ORDERS.

On motion by Berry, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Murray in the chair.

House resumed.

Mr. Speaker in the chair.

Linderman moved that when the House adjourn, it adjourn until 1:30 P. M. tomorrow.

Substitute motion by Johnston, that when the House adjourn, it adjourn until 11 A. M. tomorrow.

Substitute motion carried.

On motion by Blake, the report of the Committee of the Whole was considered read and adopted.

Vandyck, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 212, Introduced by Selway, A Bill for an Act to provide for the inspection of cattle to be removed from the State of Montana, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, line 2, after the word "Inspector" to insert the words "or Sheriff."

Section 2, line 19, after the word "Inspector" insert the words "or Sheriff that."

Section 2, line 27, after the word "inspector" insert the words "or Sheriff."

Also having had under consideration House Bill No. 232, Introduced by Selway, A Bill for an Act entitled, An Act entitled, An Act to protect the owners of horses, and to cause the inspection of the same, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend the title by striking out in line 2 the word "same" and inserting in lieu thereof the words "said horses."

Also having had under consideration House Bill No. 295, Introduced by Committee on Judiciary, A Bill for an Act to authorize the Courts of Record of this State to Issue Injunctions to Restrain Persons or Corporations from Violating any of the Provisions of Section 20 of Article XV of the Constitution of the State of Montana, or of any Law or Laws Enacted for Enforcing said Section Pending the Final Determination of any Action, Civil or Criminal, Brought in any Court for the Purpose of Enforcing said Section of the Constitution, or any Law or Laws Enacted Thereunder, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 260, Introduced by Sales, A Bill for an Act entitled, "An Act amending Article XII of Chapter II, Part III, of the Political Code, relating to Reports of State Officers," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 291, Introduced by Everett, A Bill for an Act to amend Section 2 of an Act entitled, "An Act to Amend Sections 1737, 1742 and 1910 of the Political Code of the State of Montana, relating to Public Schools; also Section 1756, Subdivision 15 of Section 1797, and Subdivision 3 of Section 1830, relating to Public Schools, as said Sections are now in force after amendment by Act of the Fifth Legislative Assembly approved March, 1897; All of the Foregoing Sections being contained in Part 3, Title 3, Chapter 6, of the Political Code," as said Sections are now in force after amendment by Act of the Seventh Legislative Assembly of the State of Montana, approved March 14th, 1901, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 294, Introduced by Committee on Appropriations, A Bill for an Act to enable the State Board of Land Commissioners, through the State Engineer's Office, to investigate the feasibility of irrigating State Lands; to determine the available water supply; to appropriate water for said lands, and making an appropriation for field and office expenses of such work, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 2, line 13, after "State Lands" strike out all of line 16, Inclusive, and insert instead "and to authorize the construction of irrigation works for said lands."

Amend Section 2 by striking out lines 17 to 34 inclusive and insert instead: "The appropriation shall be made in the same way and under the same laws as those governing the appropriation of water by individuals and said water right laws are hereby made available and may be applied by said Board or its agent."

Also having had under consideration House Bill No. 299, Introduced by Ways

and Means Committee, A Bill for an Act providing for the publication of the enactments of the first and second extraordinary sessions of the Eighth Legislative Assemblies and to secure compliance with the contract for the publication of the laws, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 177, Introduced by Linderman, A Bill for an Act to amend Section 16 of Article XII of the Constitution of the State of Montana, providing for the assessment of property, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 231, Introduced by Johnston, A Bill for An Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 33, Introduced by Committee on Judiciary, A Bill for an Act entitled, "An Act to amend Section 4318 of Article I, Chapter III, Part IV, Title II of the Political Code of the State of Montana, relating to County and Township Officers who may appoint deputies at discretion; and Section 1688 of Chapter XII, Title XI of the Code of Civil Procedure of the State of Montana, relating to the appointment of Special Constables, as amended by House Bill No. 42 of the Session Laws of 1899, approved February 28th, 1899, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 186, Introduced by Committee on Judiciary, A Bill for an Act entitled "An Act to amend Sections 443 and 4367 of the Political Code of the State of Montana, relating to Bonds of State and County Treasurers," reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 135, Introduced by Committee on Judiciary, A Bill for an Act entitled "An Act relating to the number of Deputies allowed County Auditors in Counties of the first class, and fixing the compensation of same," reports same back to the House with the recomendation that it do pass.

Also having had under consideration House Bill No. 293, Introduced by Mulroney, A Bill for "An Act to amend Sections 1 and 2 of an Act to Create the Montana State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor, approved February 17, 1899, as amended by Chapter CIX of the Eighth Legislative Assembly," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 303, Introduced by Committee on Appropriations, A Bill for an Act making Appropriations for the State Institutions of Montana for the Fiscal Years Ending November 30, 1905, and November 30, 1906, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 1, in line 6, by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen."

Also in line 13, by striking out the words "twenty-one thousand" and inserting in lieu thereof the words "twenty-five thousand, seven hundred and five."

Also in line 15, by striking out the words "twenty-two thousand" and inserting in lieu thereof the words "twenty-nine thousand, eight hundred and forty-five."

Also in line 16, by striking out the words "forty-four thousand" and inserting in lieu thereof the words "fifty-one thousand, seven hundred and fifty-five."

Also in line 17, by striking out the word "twenty-three thousand" and inserting in lieu thereof the words "twenty-eight thousand, seven hundred and fifty."

Also in line 18, by striking out the word "twenty-two" and inserting in lieu thereof the word "twenty-six."

Amend Section 1, line 20, by striking out the words "Five Thousand" and inserting in lieu thereof the words "Seven Thousand, Five Hundred."

Also in line 28 by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen."

Also in line 35, by striking out the words "twenty-six thousand" and inserting in lieu thereof the words "twenty-nine thousand, nine hundred and fifty."

Also in line 37, by inserting after the word "thousand" the words "nine hundred and twenty."

Also in line 38 by striking out the words "forty-four thousand" and inserting in lieu thereof the words "fifty-one thousand, seven hundred and fifty-five."

Also in line 39, by striking out the words "twenty-five thousand" and inserting in lieu thereof the words "twenty-eight thousand, seven hundred and fifty."

Also in line 40, by striking out the words "twenty-six thousand" and inserting in lieu thereof the words "twenty-seven thousand, five hundred."

Amend Line 42, by striking out the words "Five Thousand" and inserting in lieu thereof the words "Seven Thousand, Five Hundred."

Amend Section 1, line 11, by striking out the word "Twenty-two" and inserting in lieu thereof the words "Twenty-five."

Amend Section 2, line 33, by striking out the words "Twenty-two" and inserting in lieu thereof the word "Twenty-Five."

Also having had under consideration House Bill No. 296, Introduced by Demster, A Bill for an Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing. to be designated as Section 4234, providing a penalty for violation of Section 4233 of the Political Code, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 300, Introduced by Committee on Appropriations. A Bill for an Act entitled, "An Act appropriating money to defray the expenses of the Joint Committee appointed to investigate the School of Mines, State University, and Insane Asylum," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 145, Introduced by Schoonover, A Bill for an Act entitled, "An Act to amend Section 1053 of Chapter 7, Article 9, of the Political Code of the State of Montana, as amended by Substitute No. 2 for House Bill No. 36, approved March 7th, 1899, to allow the Clerk of the District Court to approve official bonds." reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 301, Introduced by Committee on Judiciary, A Bill for an Act entitled "An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana. relating to the licensing of peddlers, hawkers, and traveling merchants, as amended by House Bill No. 160 of the Fifth Legislative Assembly of the State of Montana, entitled "An Act to amend Section 4066 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers, and traveling merchants," approved March 3, 1897, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 279, Introduced by Wiedeman, by request, A Bill for an Act entitled, "An Act to prohibit temporary places of business and exhibitions adjacent to the grounds of State and County Fairs, and to provide a penalty therefor," reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 227, Introduced by Mulroney, A Bill for an Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to limitations of actions, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 1, line 9, by inserting the following:

Any action based upon or arising from the payment by any bank, banker, company, corporation, association or society, of a forged, raised or otherwise altered check, order or promissory note, out of the deposit, money or property of the plaintiff, it shall be brought within three years from the day on which the plaintiff, his agent, assignee or personal representatives shall have been notified of such payment, or on which he or they shall have received such check, order or note marked paid."

Report was adopted.

House Bills Nos. 212 with amendment, 232 with amendment, 295, 260, 291, 294 with amendments, 299, 177, 231, 293, 303 with amendments, 296, 300, 145, 301, 227 with amendment, Substitute for House Bill No. 33, Substitute for House Bill

No. 186 and Substitute for House Bill No. 135, were referred to Committee on Engrossment.

REPORTS OF STANDING COMMITTEES.

Muray reported as folows:

"Mr. Speaker:

Your Committee on Appropriations, having had under consideration House Bill No. 261, A Bill for an Act entitled "An Act making appropriations for the Executive and Judiciary Departments of the State Government, and maintenance of the State Institutions, for the fiscal years ending November 30, 1905, and November 30, 1906," beg to report back a Substitute for House Bill No. 261, A Bill for an Act entitled "An Act making appropriations for the Executive and Judicial Departments of the State Government for the fiscal years ending November 30, 1905 and November 30, 1906," with the recommendation that same do pass."

On motion by Murray, report was adopted.

Substitute for House Bill No. 261 was referred to Committee on Printing.

THIRD READING OF SENATE BILLS.

On motion by Johnston, the House now referred back to Third Reading of Bills.

Substitute for Senate Bill No. 35, having been read three several times, was concurred in by the following vote:

Ayes—Berry, Bembrick, Blake, Brigham, Buck, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wiedeman, Williams, Wyman and Mr. Speaker and Wilson—54.

Noes—Blankenship—1.

Absent and not voting—Bennett, Brewster, Burt, Carriher, English, Fairbanks, Geyman, Hewett, Leiper, Meunier, Murray, Roll, Selway, Sykes, Vandyck, Walker and Wood—17.

Title agreed to.

Senate Bill No. 45, having been read three several times, Lanstrum moved that the bill be not concurred in.

Motion carried by the following vote:

Ayes—Blake, Blankenship, Buck, Canoll, Christian, Coleman, Collier, Cone, Dempster, Harrington, Hayes, Hilman, Kennedy, Lannin, Lanstrum, Linderman, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Quigley, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Wilson and Wyman—38.

Noes—Berry, Bembrick, Brigham, Decker, Everett, Forsythe, Huntington, Johnston, Metcalf, Potter, Sales, Stevens, Vandyck, Wiedeman, Williams and Mr. Speaker—16.

Absent and not voting—Bennett, Brewster, Burt, Carriher, English, Fairbanks, Geyman, Hewett, Leiper, Meunier, Mulroney, Murray, Reel, Roll, Selway, Sykes, Walker and Wood—18.

Senate Bill No. 64, having been read three several times, was concurred in by the following vote:

Ayes—Bembrick, Blake, Brigham, Buck, Canoll, Christian, Coleman, Collier, Cone, Decker, Forsythe, Harrington, Hayes, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Vandyck, Williams, Wilson and Mr. Speaker—43.

Noes—Brewster, Dempster, Everett, Huntington, Lannin, Wiedeman, and Wyman—7.

Absent and not voting—Bennett, Berry, Brewster, Burt, Carriher, English, Fairbanks, Geyman, Hewett, Hilman, Leiper, Meunier, Mulroney, Murray, Reel, Roll, Sales, Selway, Sykes, Teskey, Walker and Wood—22.

Title agreed to.

Senate Substitute for House Bill No. 96 and Senate Bill No. 49, having been read three several times, was concurred in by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Christian, Collier, Cone, Decker, Dempster, Everett, Harrington, Hayes, Forsythe, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Roach, Ross, Sales, Sanden, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Wilson, Wyman and Mr. Speaker—49.

Noes—None.

Absent and not voting—Bennett, Brewster, Burt, Carriher, Coleman, English, Fairbanks, Geyman, Hewett, Hilman, Kennedy, Leiper, Meunier, Mulroney, Murray, Reel, Roll, Sanders, Selway, Sykes, Walker, Williams and Wood—23.

Title agreed to.

Lanstrum moved that the rules be suspended and that House Bills Nos. 300, 303 and 231 be considered correctly engrossed and placed upon their third reading.

Substitute motion by Blake, that the House now adjourn.

Substitute motion lost; original motion carried.

THIRD READING OF HOUSE BILLS.

House Bill No. 300, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Canoll, Christian, Collier, Decker, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Richardson, Roach, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Wilson, Wyman and Mr. Speaker—46.

Noes—Dempster and Forsythe—2.

Absent and not voting—Bennett, Brewster, Burt, Carriher, Coleman, Cone, English, Everett, Fairbanks, Geyman, Hewett, Hilman, Leiper, Metcalf, Meunier, Mulroney, Murray, Reel, Roll, Selway, Sykes, Walker, Williams and Wood—24.

Title agreed to.

House Bill No. 303, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Buck, Canoll, Christian, Cone, Decker, Dempster, Harrington, Hayes, Johnston, Kennedy, Lannin, Lanstrum, Linderman, MacGinnis, Patten, Quigley, Richardson, Roach, Ross, Sales, Sanden, Schoonover, Sewell, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wyman and Mr. Speaker—34.

Noes—Bembrick, Brigham, Everett, Forsythe, Huntington, Mumbrue, O'Brien, O'Connor, Potter, Sanders, Stevens, Wiedeman and Wilson—13.

Absent and not voting—Bennett, Brewster, Burt, Carriher, Coleman, Collier, English, Fairbanks, Geyman, Hewett, Hilman, Leiper, Metcalf, Meunier, Mulroney, Murray, Murphy, Macdonald, Reel, Roll, Selway, Sykes, Walker, Williams and Wood—25.

Title agreed to.

House Bill No. 231, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Buck, Canoll, Christian, Cone, Decker, Dempster, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Mumbrue, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Quigley, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Wilson, Wyman and Mr. Speaker—43.

Noes—None.

Absent and not voting—Bennett, Brewster, Brigham, Burt, Carriher, Coleman, Collier, English, Everett, Fairbanks, Forsythe, Geyman, Hewett, Hilman, Leiper, Metcalf, Meunier, Mulroney, Murray, Macdonald, Potter, Reel, Roll, Sales, Selway, Sykes, Walker, Williams and Wood—29.

Title agreed to.

On motion by Kennedy, the rules were suspended, and House Bill No. 287 was considered correctly engrossed and placed upon its final passage.

House Bill No. 287, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Buck, Christian, Coleman, Decker, Dempster, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Mumbrue, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Quigley, Ross, Sanden, Sanders, Schoonover, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wyman, Canoll and Mr. Speaker—37.

Noes—Cone, Forsythe, Richardson, Sewell and Wilson—5.

Absent and not voting—Bennett, Brewster, Brigham, Burt, Carriher, Collier, English, Everett, Fairbanks, Geyman, Harrington, Hewett, Hilman, Leiper, Metcalf, Meunier, Mulroney, Murray, Macdonald, Potter, Reel, Roach, Roll, Sales, Selway, Sykes, Walker, Wiedeman, Williams and Wood—30.

Title agreed to.

On motion by Blake, at 11 P. M. the House adjourned.

.....

Speaker.

.....

Chief Clerk.

FIFTY-NINTH DAY

Wednesday, March 1st, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by the Reverend George B. Spaulding, Jr., of Ravalli County.

Roll Called and all members present except Geyman, Hewett, O'Brien, Sullivan of Lewis and Clarke and Wood.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

"To the Chief Clerk, House of Representatives.

Sir:—I beg to call your attention, as well as that of the Members of the House, to the fact that warrants due certain members of your body remain in the office of the Auditor undelivered, and to make the request that all members who have not, as yet, received their warrants, will, at their earliest convenience, and before the adjournment of the Legislature, call at the office of the State Auditor and receive and reecipt for same.

Yours respectfully,

H. R. CUNNINGHAM, State Auditor."

Dempster presented two petitions, praying for the passage of House Bill No. 296, with the request that they be transmitted to the Senate after the passage of House Bill No. 296. Placed on file.

Also a petition was received from Anaconda Typographical Union No. 255, praying for the passage of House Bill No. 296. Placed on file.

A petition was received from the Ladies' Aid of Kendall, Fergus County, Montana, praying for the passage of the O'Connor Gambling Bill. Placed on file.

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 266 was read first time and rejected by the Senate, and is herewith returned to the House; also that Substitute for House Bills Nos. 15 and 104 was read first time and rejected by the Senate and the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

Also: "Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the amendment to the title of House Bill No. 68 was concurred in by the Senate and the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

House Bill No. 68 was referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 79, 204 and 113 were today not concurred in and that House Bill No. 205 was indefinitely postponed, and the same are herewith returned to the House.

Respectfully,
C. E. WIGHT, Secretary."

Also:

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were read a third time and passed and are herewith transmitted to the House for its concurrence; Senate Bills Nos. 73, 77 and 84; also that the following Bills were read a third time and concurred in and are herewith returned to the House: House Bills Nos. 191, 199, 247, 263 and 286.

Respectfully,
C. E. WIGHT, Secretary."

House Bills Nos. 191, 199, 247, 263 and 286 were referred to Committee on Enrollment.

Also:

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate refuses to concur in the House Amendments to Senate Bill No. 71 and hereby asks for a conference committee to be appointed from the House to act with a like committee from the Senate on the same.

Respectfully,
C. E. WIGHT, Secretary."

Johnston moved that a Conference Committee be appointed by the Speaker, to confer with a like Committee from the Senate upon House Bill No. 71. Carried.

Mr. Speaker appointed Mulroney, Leiper and Johnston as such committee.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 221, 304 and House Joint Memorial No. 11 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 221, 304 and House Joint Memorial No. 11 were placed on General Orders.

"Mr. Speaker:

We, a majority of your Committee on Privileges and Elections, having had under consideration House Bill No. 136, "An Act providing for the selection of candidates for elections, by popular vote, and relating to elections," beg leave to recommend that same be indefinitely postponed.

F. P. LEIPER,
C. L. MURRAY,
E. C. MULRONEY,
THOS. M. EVERETT."

"Mr. Speaker:

We, the minority of your Committee on Privileges and Elections, having had under consideration House Bill No. 136, "An Act providing for the selection of Candidates for Elections by popular vote, and relating to Elections," beg leave to report that the same do pass.

W. A. REEL,
EMIL STARZ."

Blake moved to adopt the majority report.

Substitute motion by Coleman, to adopt the Minority report.

Linderman, duly seconded, moved for a Call of the House.

Roll called and all present except Decker, Geyman, Hewett, O'Brien, O'Connor, Sullivan of Lewis and Clarke, Walker and Wood.

On motion by Everett, further proceedings under the call of the House were dispensed with.

Substitute motion to adopt the Minority report of the Committee on Privileges and Elections, was lost by the following vote:

Ayes—Berry, Bembrick, Blankenship, Canoll, Coleman, Collier, Dempster, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Meunier, Murphy, MacGinnis, Macdonald, O'Connor, Quigley, Reel, Roach, Roll, Schoonover, Shannon, Starz, Sullivan of Jefferson, Teskey and Wyman—28.

Noes—Bennett, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, English, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Patten, Potter, Richardson, Ross, Sales, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—36.

Original motion carried. Majority report adopted.

By Hilman:

"Mr. Speaker:

Your Committee on Military Affairs to whom was referred Senate Bill No. 21, A Bill for "An Act to Amend Sections 2512, 2514, 2515 and 2527 of the Political Code of the State of Montana, relating to the Soldiers' Home," beg leave to report same back to the House with the recommendation that it be concurred in."

On motion by Wyman, report was adopted.

Senate Bill No. 21 was placed on General Orders.

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

We, the undersigned members of your Committee on Privileges and Elections, having had under consideration Senate Bill No. 79, A Bill for an Act entitled, "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such Act in any County, and to amend Sections 1206 of the Political Code as amended by the laws of 1899 and 1260 of the Political Code,' beg leave to report the same back to the House with the recommendation that it be concurred in.

F. P. LEIPER,
C. L. MURRAY,
E. C. MULRONEY,
THOS. M. EVERETT,
H. N. BLAKE."

On motion by Blake, report was adopted.

Senate Bill No. 79 was placed on General Orders.

"Helena, Montana, Feb. 28th, 1905.

Mr. Speaker:

We, a minority of your Committee on Privileges and Eelections having had under consideration Senate Bill No. 79, A Bill for an Act entitled, "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such Act in any county, and to amend Sections 1206 of the Political Code as amended by the laws of 1899 and 1260 of the Political Code," beg leave to report that the same be indefinitely postponed.

W. A. REEL,
A. TESKEY,
EMIL STARZ."

Placed on file.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 177, 260, 295, 145, 301, 291, 293, 296 298, 299, Substitute for House Bill No. 33, Substitute for House Bill No. 135, and Substitute for House Bill No. 186 as correctly engrossed."

Report received and House Bills Nos. 177, 260, 145, 301, 291, 293, 295, 296, 298, 299, Substitute for House Bill No. 33, Substitute for House Bill No. 135, and Substitute for House Bill No. 186 were placed on file for third reading.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 305, A Bill for "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for municipal purposes, and now held or owned by Bona Fide holders thereof for value, and the issuance of funding bonds therefor," beg leave to report back to the House that we have prepared a Substitute for House Bill No. 305, "A Bill for an Act to authorize the compromise of outstanding disputed evidences of indebtedness of Cities and Towns issued for Municipal Purposes and now held or owned by Bona Fide Holders thereof for Value, and the Issuance of Funding Bonds therefor," and recommend that said Substitute bill do pass."

On motion by Sales, report was adopted.

Substitute for House Bill No. 305 was referred to Committee on Printing.

INTRODUCTION OF BILLS.

Murray requested unanimous consent to introduce three appropriation bills. Granted.

The following bills were introduced and placed on file:

By Committee on Appropriations: H. B. No. 309, A Bill for an Act Appropriating Money for the payment of the deficiency claim of James B. Toughill for services rendered as stenographer to the Attorney General during the months of September, October and November, 1904.

By Committee on Appropriations: H. B. No. 310, A Bill for an Act entitled "An Act appropriating money for the deficiency claims of certain persons, for services rendered and supplies furnished, account of Farmers' Institute."

By Committee on Appropriations: H. B. No. 311, A Bill for An Act entitled "An Act appropriating money for the payment of the claim of the Bozeman Chronicle, Account Printing for the Agricultural College at Bozemen, during the year 1902."

READING OF SENATE BILLS.

On motion by Linderman, the rules were suspended and all Bills, Except Appropriation Bills, were read by titlte only.

S. B. No. 77, read first and second times, and referred to Committee on Judiciary.

S. B. No. 84, read first and second times, and referred to Committee on Judiciary.

S. B. No. 73, read first and second times, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 309, read first and second times, and referred to Committee on Printing.

H. B. No. 310, read first and second times, and referred to Committee on Printing.

H. B. No. 311, read first and second times, and referred to Committee on Printing.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 33, having been read third time by title only, was passed by the following vote:

Ayes—Bembrick, Brigham, Buck, Burt, Carriher, Christian, Cone, Everett, Fairbanks, Forsythe, Hilman, Lanstrum, Leiper, Linderman, Mulroney, Mumbrue, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Selway, Sewell, Stevens, Sykes—28.

Noes—Bennett, Blake, Blankenship, Canoll, Collier, Dempster, Harrington, Hayes, Huntington, Lannin, Metcalf, Murphy, MacGinnis, Roll, Sanden, Sanders, Schoonover, Sullivan of Jefferson, Vandyck, Wiedeman, Williams, Shannon, Wyman and Mr. Speaker—24.

Absent and not voting—Berry, Brewster, Coleman, Decker, English, Geyman,

Hewett, Johnston, Kennedy, Meunier, Murray, MacGinnis, O'Brien, Sales, Starz, Sullivan of Lewis and Clarke, Teskey, Walker, Wilson and Wood—20.

Title agreed to.

House Bill No. 177 was read third time.

Lanstrum moved for a Call of the House.

Roll called and all members present except Berry, Decker, Geyman, Hewett, Sullivan of Lewis and Clarke and Wilson.

On motion by Lanstrum, further proceedings under the Call of the House were dispensed with.

Mr. Speaker announced that he was about to sign Senate Bill No. 30, An Act to amend Section 1000, of the Civil Code of the State of Montana.

Also Senate Bill No. 55, An Act requiring State Officers, Officials and Persons in charge of State Institutions to make out quarterly reports of property in their charge and file same, and providing penalties for failure to do so.

Also Senate Bill No. 51, An Act to authorize the organization of Mutual Hail and Fire Insurance Companies.

The roll was called upon the final passage of House Bill No. 177, and the Bill, not having received a two-thirds vote of the membership of the House, failed to pass by the following vote:

Ayes—Bembrick, Blake, Brewster, Buck, Burt, Carriher, Christian, Collier, Cone, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Connor, Patten, Reel, Richardson, Roach, Roll, Ross, Sales, Schoonover, Selway, Sewell, Shannon, Sullivan of Jefferson, Sykes, Wiedeman, Williams, Wyman and Mr. Speaker—46.

Noes—Bennett, Blankenship, Brigham, Canoll, Hayes, Kennedy, Meunier, Potter, Quigley, Sanden, Sanders, Starz, Stevens, Teskey, Vandyck and Wilson—16.

Absent and not voting—Berry, Coleman, Decker, Geyman, Hewett, Macdonald, O'Brien, Sullivan of Lewis and Clarke, Walker and Wood—10.

House Bill No. 260, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Schoonover, Sewell, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Berry, Brigham, Coleman, Decker, Dempster, Geyman, Hewett, Lanstrum, Mulroney, O'Brien, O'Connor, Ross, Sanders, Sullivan of Lewis and Clarke, Walker, Wilson and Wood.—17.

Title agreed to.

Blake moved that the House recess until 1:30 P. M.

Cone moved, as an amendment, that the House recess until 2 P. M.

Amendment carried; Ayes 35; Noes 12.

The House recessed at 12:10 P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called. Quorum present.

COMMUNICATIONS AND PETITIONS.

A letter was received from the Pastor of the Methodist Episcopal Church of Kalispell, praying for the passage of House Bill No. 216. Placed on file.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 294, 212, 227 and 232 as correctly engrossed."

Report received and House Bills Nos. 294, 212, 227 and 232 were placed on file for third reading.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 251, 306, Substitute for House Bill No. 38 and House Bill No. 257 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 251, 306 and Substitute for House Bill No. 38, and House Bill No. 257 were placed on General Orders.

THIRD READING OF HOUSE BILLS.

House Bill No. 145, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Canoll, Christian, Coleman, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, O'Brien, O'Connor, Patten, Potter, Reel, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Stevens, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson and Wyman and Mr. Speaker—51.

Noes—Hayes and Macdonald—2.

Absent and not voting—Brigham, Buck, Burt, Carriher, Collier, Cone, Geyman, Hewett, Mulroney, Murphy, MacGinnis, Quigley, Richardson, Sales, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Starz and Wood—19.

Title agreed to.

REPORTS OF SELECT COMMITTEES.

"Mr. Speaker:

We, your Conference Committee, appointed for the purpose of conferring with a similar Committee from the Senate, relating to Senate Bill No. 28, "A Bill for an Act to amend Sections 1270, 1355, 1360, 1407, 1408, 1410, 1412, 1413 and 1414 of the Political Code of the State of Montana, and Sections 1354, 1361 of the same Code, as amended by House Bill No. 59, of the Laws of 1901, approved March 7th, 1901, relating to Ballots, voting and election returns, and providing further protection to the voter while preparing his ballot and casting the same, having conferred with the Senate Committee, beg leave to report back to the House and recommend that the House recede from its amendment No. 2 to said Bill.

LEIPER."

On motion by Bennett, report was adopted.

The House, by the following vote, receded from its amendment No. 2 to Senate Bill No. 28, formerly proposed and adopted by the House:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Canoll, Carriher, Christian, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murray, MacGinnis, O'Brien, O'Connor, Patten, Potter, Quigley, Roll, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—51.

Noes—Blankenship, Collier, Hayes, Macdonald, Reel, Roach, Sanden, Sullivan of Lewis and Clarke and Teskey—9.

Absent and not voting—Burt, Coleman, English, Geyman, Hewett, Johnston, Kennedy, Mumbrue, Murphy, Richardson, Sullivan of Jefferson and Wood—12.

"Mr. Speaker:

We, your Conference Committee appointed by the Chair to meet with a like Committee from the Senate, as to the amendment proposed and adopted by the House on Senate Bill No. 71, beg to report back to the House that we have conferred with the Senate Committee, and recommend that the House recede from the amendment to Senate Bill No. 71, as proposed and adopted by the House.

MULRONEY,
JOHNSTON,
LEIPER."

On motion by Leiper, report was adopted.

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Tuesday, February 28th, and believe same to be correct."

On motion by Dempster, report was adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 301, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Canoll, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Murray, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—52.

Noes—Blankenship, Forsythe, Harrington, Hilman, Leiper, Meunier, and Sullivan of Jefferson—7.

Absent and not voting—Burt, Carriher, Coleman, Cone, Geyman, Hewett, Mulroney, Mumbrue, Murphy, O'Connor, Sanders, Walker and Wilson—13.

Title agreed to.

Substitute for House Bill No. 135, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murray, Murphy, MacGinnis, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Sewell, Shannon, Schoonover, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—O'Brien—1.

Absent and not voting—Burt, Carriher, Cone, Geyman, Hewett, Mulroney, O'Connor, Sullivan of Jefferson, Bennett, Berry and Vandyck—11.

Title agreed to.

House Bill No. 291, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mumbrue, Murray, O'Brien, Patten, Potter, Quigley, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker, Wiedeman, Williams, Wood and Mr. Speaker—52.

Noes—Collier, Reel, Roll and Sales—4.

Absent and not voting—Bennett, Cone, English, Geyman, Hewett, Lannin, Meunier, Mulroney, Murphy, Macdonald, O'Connor, Shannon, Sullivan of Jefferson, Vandyck, Wilson and Wyman—16.

Title agreed to.

House Bill No. 293, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Leiper, Linderman, Meunier, Mulroney, Murray, MacGinnis, O'Brien, Quigley, Reel, Richardson, Roach, Roll, Sales, Ross, Sanden, Sanders, Schoonover, Selway, Sewell Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—55.

Noes—Metcalf, Patten and Potter—3.

Absent and not voting—Bennett, English, Geyman, Hewett, Kennedy, Lan-

strum, Mumbrue, Murphy, Macdonald, O'Connor, Shannon, Stevens, Wilson and Wood—14.

Title agreed to.

House Bill No. 295, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Collier, Decker, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, MacGinnis, O'Brien, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—53.

Noes—None.

Absent and not voting—Bennett, Carriher, Coleman, Cone, Dempster, English, Geyman, Hewett, Kennedy, Leiper, Mumbrue, Macdonald, O'Connor, Patten, Potter, Sanders, Shannon, Starz and Wilson—19.

Title agreed to.

House Bill No. 296, having been read three several times, was passed by the following vote:

Ayes—Bembrick, Blake, Brigham, Burt, Carriher, Christian, Collier, Decker, Dempster, English, Fairbanks, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, MacGinnis, O'Brien, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Sullivan of Jefferson, Sykes, Teskey, Wood, Wyman and Mr. Speaker—40.

Noes—Blankenship, Brewster, Buck, Forsythe, Geyman, Hilman, Leiper, Metcalf, Murray, Patten, Potter, Stevens and Vandyck—13.

Absent and not voting—Bennett, Berry, Canoll, Coleman, Cone, Everett, Hewett, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Connor, Starz, Sullivan of Lewis and Clarke, Walker, Wiedeman, Williams and Wilson—19.

Title agreed to.

House Bill No. 298, having been read three several times, was passed by the following vote:

Ayes—Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Dempster, Everett, Forsythe, Harrington, Hayes, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, MacGinnis, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—45.

Noes—Bembrick, Coleman, Fairbanks, Huntington and O'Brien—5.

Absent and not voting—Bennett, Cone, Decker, Geyman, Hewett, Mumbrue, Macdonald, O'Connor, English, Sales, Walker and Wilson—12.

Title agreed to.

House Bill No. 299, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Burt, Geyman, Hewett, Mumbrue, O'Connor, Sales, Sykes, Walker and Wilson—9.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 1st day of March, 1905:

House Bill No. 174, An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal protection, approved March 2, 1903, and to establish a Bureau of Child and Animal protection and to provide for the appointment of a deputy and clerk, and defining their powers and duties, and providing for their compensation.

Also House Bill No. 199, An Act making an appropriation for the payment of the Deficiency Claim of John F. Patterson, for services rendered the State of Montana, as deputy sheep inspector.

Also House Bill No. 247, An Act making appropriation to pay the per diem of the Officers and Attaches of the Ninth Legislative Assembly of the State of Montana.

Also House Bill No. 263, An Act appropriating money for the Payment of the Claims of certain persons against the State of Montana for Losses arising from the Slaughtering of Diseased Animals, under the Provisions of Sections 3005 and 3006 of the Political Code.

Also House Bill No. 68, An Act to amend Section 1020 of Chapter II, Title VIII, of the Code of Civil Procedure of Montana, and providing for the entry of judgment upon failure to answer to demur, to appear or to challange the jurisdiction of the Court.

Also House Bill No. 191, An Act to amend Section 1903 of the Political Code of the State of Montana, as amended by the Senate Bill No. 44, Session of 1897, relating to the attendance of Teachers at Institutes and the Duties of School Trustees in the matter of closing their schools during the session of the County Institute for teachers.

Also House Bill No. 286, An Act for the submitting to the qualified electors of the State of Montana, amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department and providing for the Direct Legislation and Reference of Laws."

Mr. Speaker announced that he was about to sign House Bill No. 199, An Act making an appropriation for the payment of the Deficiency Claim of John F. Patterson, for services rendered the State of Montana, as Deputy Sheep Inspector.

Also House Bill No. 247, An Act making appropriations to pay the per diem of the Officers and Attaches of the Ninth Legislative Assembly of the State of Montana.

Also House Bill No. 286, An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article V, of the Constitution of the State of Montana, relating to the Legislative Department, and providing for Direct Legislation and Reference of Laws.

Also House Bill No. 191, An Act to amend Section 1903 of the Political Code of the State of Montana, as amended by Senate Bill No. 44, Session of 1897, relating to the attendance of Teachers at Institutes, and the duties of School Trustees in the matter of closing their schools during the session of the County Institute for teachers.

Also House Bill No. 68, An Act to amend Section 1020 of Chapter II, Title VIII, Part II, of the Code of Civil Procedure of Montana, and providing for the Entry of Judgment upon Failure to answer, to demur, to appear or to challenge the Jurisdiction of the Court.

Also House Bill No. 263, An Act appropriating money for the payment of the Claims of Certain Persons against the State of Montana for Losses Arising from the Slaughtering of Diseased Animals, Under the Provisions of Sections 3005 and 3006, of the Political Code.

Also House Bill No. 174, An Act to amend the Act entitled, "An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection", approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 186, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Johnston, Kennedy, Lannin, Hilman, Lanstrum,

Linderman, Metcalf, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—55.

Noes—None.

Absent and not voting—Carriher, Cone, Geyman, Hewett, Leiper, Meunier, Mulroney, Murray, Mumbrue, Murphy, MacGinnis, O'Brien, O'Connor, Sales, Sanders, Walker and Wilson—17.

Title agreed to.

House Bill No. 232, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Schoonover, Leiper, Mulroney, Mumbrue, Murphy, O'Brien, Selway, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—55.

Noes—Buck—1.

Absent and not voting—Bennett, Coleman, Cone, Geyman, Hewett, Meunier, Murray, MacGinnis, O'Connor, Sanden, Sanders, Stevens, Sullivan of Jefferson, Vandyck, Walker, and Wilson—16.

Title agreed to.

House Bill No. 227, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Buck, Burt, Brewster, Brigham, Canoll, Carriher, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—62.

Noes—None.

Absent and not voting—Coleman, Cone, Geyman, Hewett, Lanstrum, Meunier, Murray, MacGinnis, Sullivan of Lewis and Clarke and Walker—10.

Title agreed to.

House Bill No. 212, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murphy, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—57.

Noes—None.

Absent and not voting—Bennett, Coleman, Decker, Geyman, Hewett, Meunier, Murray, MacGinnis, O'Brien, O'Connor, Sanden, Shannon, Starz, Teskey and Walker—15.

Title agreed to.

House Bill No. 294, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hewett, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Macdonald, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and

Clarke, Sykes, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—Murphy, Ross and Schoonover—3.

Absent and not voting—Cone, Geyman, Hayes, Kennedy, Meunier, MacGinnis, O'Brien, O'Connor, Sales, Sanden, Sanders, Walker and Williams—13.

Title agreed to.

MOTIONS AND RESOLUTIONS.

The following resolution was presented by Kennedy, of Silver Bow, seconded by Bennett of Madison, and carried unanimously:

WHEREAS: There appeared in the Butte Miner, a newspaper published in the City of Butte, on Tuesday morning, February 28th, a scurrilous and untruthful editorial presuming to discuss the closing scenes of the Ninth Legislative Assembly, and in which article the false and malicious statement is made that the legislature in passing the railway commission bill was guilty of a "most notorious piece of jobbery," and

WHEREAS, there appears in the same article the false, libelous and contemptibly scurrilous statement that the railroad commission bill was intended originally as a "leverage on the railway companies of this state for the purpose of holding up such railway companies," and,

WHEREAS, the statement is further made in the said article that the purpose in passing this measure was to hold it as a political club over the railways of the state in future campaigns, and

WHEREAS, these statements have been published to the world with the intention of discrediting the Ninth Legislative Assembly and its membership, and clearly has the effect of holding the good name of the State of Montana up to ridicule and contempt, and to seriously injure the credit of this State; therefore

BE IT RESOLVED, that the members of this House hereby desire to express their contempt for the discreditable and untruthful, unpatriotic and unmannerly person who wrote the said article and published the same, and in as public a manner as possible to express, independent of their political affiliations, their displeasure at the cowardly and untruthful assault which has been made upon the good name of this legislature and the State of Montana.

RESOLVED FURTHER, that these resolutions be spread at length upon the Journal of the House.

GENERAL ORDERS.

On motion by Lanstrum, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Linderman in the chair.

House resumed.

Mr. Speaker in the Chair.

Linderman, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Fhole, having had under consideration Senate Bill No. 21, Introduced by McLean. A Bill for an Act to amend Sections 2512, 2514, 2515 and 2527 of the Political Code of the State of Montana, relating to the Soldiers' Home, reports same back to the House with the recommendation that it be concurred in with the following amendments:

Amend Section 2, by inserting the word "one" between the words "have" and "special," the same occur in line 13, and by striking off the letter "s" from the word "meetings" where the same occurs on said line; so that the sentence shall read "and they may have one special meeting."

Amend the bill by inserting between Sections 4 and 5 of the printed bill, a Section to be designated as follows:

Section 4A. That Section 2513 of the Political Code of Montana, be and the same is hereby amended so as to read as follows:

Section 2513. As soon as practicable after the Board of Managers are appointed and qualified, and not later than the first Tuesday in May, 1895, and upon due notice given, the Members of said Board shall meet at the capitol of the State and organize by electing one of their number president and one of their number secretary and treasurer of said Board, who shall hold their respective

offices until the first Tuesday in May, 1906, and they shall be elected annually thereafter. The officers of said Board so elected shall each be required to give bond to the State of Montana in such penal sum as the Board may direct, conditioned for the faithful performance of their respective duties. The secretary and treasurer shall keep a faithful record of all transactions of the said Board of Managers and the books and records and accounts pertaining to such Soldiers' Home under such rules and regulations as may be established by said Board, but shall receive no extra compensation therefor.

Also having had under consideration Senate Bill No. 79, Introduced by Waite. A Bill for an Act entitled, "An Act to provide for the nomination of candidates by direct vote at a primary election, to provide the method of adopting such act in any county, and to amend Sections 1206 of Political Code as amended by the laws of 1899 and 1260 of the Political Code, reports same back to the House with the recommendation that it be encurred in with the following amendments:

Insert a new Section to be known and numbered Section 32 and to read as follows:

Section 32. All the provisions of this Act that are applicable to the nominations of county officers shall be equally applicable to nominations for city officers, and in all such cases the city council shall have the powers and duties of the Board of County Commissioners, and the city clerk the powers and duties of the County Clerk, as provided in this Act.

Make "Section 32" to read "Section 33."

Amend the title by adding after the word "county" the words "or city."

Also having had under consideration Substitute for House Bill No. 38, Introduced by Committee on Apportionment and Representation, A Bill for an Act entitled, "An Act to provide for Apportionment of Membership and Representation of the several Counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to Fix the Number of Members thereof," reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration Substitute for House Bill No. 261, Introduced by Committee on Appropriations, A Bill for an Act entitled An Act making Appropriations for the Executive and Judicial Departments of the State Government for the Fiscal Years ending November 30, 1905, and November 30, 1906, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend the Bill by inserting after line 82 the following: "For Shelving and Book Cases State Law Library, Four Hundred Dollars."

Also by inserting after line 206 the following: "For Shelving and Book Cases State Law Library, Four Hundred Dollars."

In line 22 by inserting after the word "Hundred" the words "and Fifty."

In line 146 by inserting after the word "Hundred" the words "and Fifty."

Amend Section 1 by inserting after line 103 the following:

"For salary of Deputy Secretary of the Bureau of Child and Animal Protection One Thousand Two Hundred Dollars."

"For Clerk hire for office of Secretary of the Bureau of Child and Animal Protection Three Hundred Dollars."

Amend Section 2 by inserting after line 227 the following:

"For salary of Deputy Secretary of the Bureau of Child and Animal Protection One Thousand Two Hundred Dollars."

"For clerk hire for office of Secretary of the Bureau of Child and Animal Protection Three Hundred Dollars."

Also having had under consideration House Bill No. 292, Introduced by the Committee on Appropriations, A Bill for an Act entitled, "An Act making appropriations for the Executive and Judicial Departments of the State Government and Maintenance of State Institutions for the fiscal year ending November 30, 1905, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend House Bill No. 292 by striking out all of said Bill after the word "Dollars" in line 10, up to and including the repetition of the enacting clause; and also make the repeated Section one read "Section 2."

Amend the title by adding the words "and for the fiscal year ending November 30, 1906."

Also having had under consideration House Bill No. 304, Introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of A. T. Wright, account services rendered the Ninth Legislative Assembly of the State of Montana," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 221, Introduced by Coleman, A Bill for an Act entitled, "An Act creating a Commission to Revise and Codify the Laws of Montana, defining its duties, providing for the Publication and Distribution of its reports and providing for its Compensation," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 11, Introduced by Committee on Federal Relations, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 245, Introduced by Kannedy, A Bill for an Act to amend Section 1925 (b), Part III, Title III of the Political Code of the State of Monatna and to provide that when a complaint charging that a child is a juvenile disorderly person within the meaning of an Act entitled, "An Act to amend Section 1920, 1921, 1922, 1923, 1924 and 1925, Part III, Title III of the Political Code of the State of Montana and to provide for the compulsory education of all children between the ages of eight and sixteen years, to establish Industrial Schools, equip and conduct the same and to provide for the regulation of juvenile disorderly persons," passed at the eighth regular session of the Legislative Assembly of the State of Montana, and approved March 3rd, 1903, is made before any Mayor, Justice of the Peace or Police Judge, it shall be certified by such Magistrate to the District Court in and for the County in which the child resides or to a Judge of said District Court and that said District Court or the Judge thereof to whom such complaint is certified shall have authority to hear such complaint and order that the child be committed to the Industrial School provided for in said Act, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 306, Introduced by Shannon, A Bill for An Act to provide for the payment of employees semi-monthly in mines, mills and smelters in the State of Montana, and providing a penalty for the violation thereof, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 2, line 12, by striking out the word "within" and inserting in lieu thereof the word "before."

And also after the word "forth" in line 12, insert the following words: "shall have expired."

Also having had under consideration House Bill No. 251, Introduced by Wiedeman, A Bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian, and to make an appropriation for such experiments, reports same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 305, Introduced by Judiciary Committee, A Bill for an Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for Municipal purposes and now held or owned by bona fide holders thereof for value, and the issuance of funding bonds therefor, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 309, Introduced by Committee on Appropriations, A Bill for an Act appropriating money for the payment of the deficiency claim of James B. Toughill for services rendered as stenagrapher to the Attorney General during the months of September, October and November, 1904, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 310, Introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the deficiency claims of certain persons, for services rendered and supplies

furnished, account of Farmers' Institute," reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 311, Introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of the Bozeman Chronicle, Account Printing for the Agricultural College at Bozeman, during the year 1902," reports same back to the House with the recommendation that it do pass."

Lanstrum moved that the report of the Committee of the Whole be considered read and adopted.

Substitute motion by Johnston that the report of the Committee of the Whole be adopted with the exception of the report on Substitute for House Bill No. 38, and that it be amended to read "do pass."

Lanstrum moved as a Substitute for all motions, that the report be adopted, except as to Substitute for House Bill No. 38 and Substitute for House Bill No. 261. Motion carried.

Lanstrum moved that the report of the Committee of the Whole as to Substitute for House Bill No. 261 be accepted. Motion carried by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Cone, Decker, English, Everett, Forsythe, Hilman, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Sales, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—47.

Noes—Blake, Canoll, Collier, Dempster, Fairbanks, Harrington, Hayes, Huntington, Lannin, Meunier, Murphy, O'Brien, Quigley, Ross, Sanden, Sanders, Schoonover, Shannon, Sullivan of Jefferson, Teskey, Walker and Wyman—22.

Bennett moved that the report of the Committee of the Whole, on Substitute for House Bill No. 38 be adopted.

Motion carried by the folowing vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, English, Harrington, Hilman, Lanstrum, Leiper, Linderman, Meunier, Mulroney, MacGinnis, Macdonald, O'Connor, Potter, Reel, Richardson, Roach, Ross, Sanden, Schoonover, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Walker—37.

Noes—Brewster, Brigham, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Hayes, Huntington, Johnston, Kennedy, Lannin, Mumbrue, Murray, Murphy, O'Brien, Patten, Quigley, Roll, Sales, Sanders, Selway, Shannon, Stevens, Vandyck, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—31.

Senate Bills Nos. 21, with amendments, 79 with amendments, were referred to file for third reading.

Substitute for House Bill No. 261, with amendments, House Bills Nos. 292, with amendments, 304, 221, 245, 306 with amendments, 251, Substitute for House Bill No. 305, House Bills Nos. 309, 310 and 311, were referred to Committee on Engrossment.

Also House Joint Memorial No. 11 was referred to Committee on Engrossment.

INTRODUCTION OF BILLS.

Murray requested unanimous consent for the Committee on Appropriations to introduce a Bill without having given previous notice. Granted.

By Committee on Appropriations: H. B. No. 312, A Bill for an Act entitled "An Act appropriating money for the payment of the claim of G. A. Pritchett, account services rendered the Ninth Legislative Assembly of the State of Montana.

READING OF HOUSE BILLS.

H. B. No. 31, read first and second times, and referred to Committee on Printing.

Macdonald moved that the Steering Committee be instructed to immediately place House Bill No. 216 on General Orders.

Amendment, by Lannin, to include House Bill No. 251.

Substitute motion by MacGinnis, that the Steering Committee report such Bills, as in their judgment, they see fit to place on General Orders.

Lanstrum moved the previous question. Carried.

The question recurring on the Substitute motion by MacGinnis, the Substitute Motion was carried.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 275 was today concurred in, as amended, and is herewith returned to the House.

C. E. WIGHT, Secretary."

Senate Amendment to House Bill No. 275 was read.

Lanstrum moved that the Senate Amendment to House Bill No. 275 be concurred in.

Senate amendment to House Bill No. 275 was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brewster, Brigham, Buck, Burt, Canoll, Christian, Coleman, Collier, Decker, Dempster, Everett, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—59.

Noes—Fairbanks and Blankenship—2.

Absent and not voting—Carriher, English, Cone, Geyman, Hewett, Metcalf, Murphy, Sales, Shannon, Sullivan of Jefferson and Wood—11.

Also:

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were read a third time and concurred in and are herewith returned to the House: House Bills Nos. 255, 246, 187, 206, 214, 274, 219, 264, 235, 252, 209, 208, 267, 194, 268, 239, 290, Substitute for House Bill No. 57 and House Joint Resolution No. 7; also that the following Bills were concurred in as amended and are herewith returned to the House: House Bills Nos. 182, 265, 112 and 172.

Respectfully,

C. E. WIGHT, Secretary."

House Bills Nos. 255, 246, 187, 206, 214, 219, 274, 264, 235, 252, 209, 208, 267, 194, 268, 239, 290, and Substitute for House Bill No. 57 were referred to Committee on Enrollment. House Joint Resolution No. 7 was referred to Committee on Enrollment.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read a third time and passed and are herewith transmitted to the House for its concurrence: Senate Bills Nos. 81 and 87 and Senate Joint Resolution No. 3.

Respectfully,

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today not concurred in and are herewith returned to the House: House Bills Nos. 278, 273, 99, 98, 183, 193, 67, 47 and 254; also House Bill No. 144.

Respectfully

C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the following Bills were today read first time and rejected by the Senate: House Bills Nos. 211, 285, 288 and 253.

Respectfully
C. E. WIGHT, Secretary."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today indefinitely postponed and are herewith returned to the House: House Bills Nos. 131, 237, 177, 298 and House Joint Resolution No. 12.

Respectfully
C. E. WIGHT, Secretary."

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that Substitute for House Bill No. 305, also House Bills 309, 310, 311, have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 309, 310, 311 and Substitute for House Bill No. 305 were placed on General Orders.

COMMUNICATIONS AND PETITIONS.

A petition, signed by various citizens of Fergus County, Montana, was received, praying for the passage of House Bill No. 216. Placed on file.

READING OF SENATE BILLS.

Senate Bill No. 81 was read first time.

On motion by Lanstrum, the bill was rejected.

Senate Bill No. 87, read first and second times, and referred to Committee on Judiciary.

Senate Joint Resolution No. 3, read first and second times, and referred to Committee on Judiciary.

MOTIONS AND RESOLUTIONS.

Kennedy asked that the Chair put the question to the House whether or not House Bill No. 39 should be passed, notwithstanding the veto of the Governor.

Mr. Speaker announced: Gentlemen, you are about to vote upon the final passage of House Bill No. 39, notwithstanding the veto of the Governor."

Notwithstanding the veto of the Governor, House Bill No. 39 was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Hayes, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, MacGinnis, O'Brien, Patten, Reel, Richardson, Sales, Ross, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wyman and Mr. Speaker—56.

Noes—Blankenship, Brewster, Harrington, Huntington, Macdonald, O'Connor, Roach, Roll and Quigley—9.

Absent and not voting—Buck, Geyman, Hewett, Leiper, Potter, Selway and Wood—7.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 270, A Bill for an Act entitled "An Act to provide for a State Veterinary Surgeon and Deputies; and to define the powers and duties of each; and to provide for the eradication of disease in domestic livestock, their quarantine and sanitary inspection; and to repeal Acts covering this subject; and providing penalties for violations of this Act or Regulations prescribed herein,' beg to report the same back to the House with the recommendation that it do pass as amended:

Amend Section 1 in line 5 by striking out the words and figures, "Five Thousand ($5,000.00) Dollars" and insert in lieu thereof the words and figures "Ten Thousand ($10,000) Dollars."

Also amend Section 2 by striking out the words and figures, "Three Thousand ($3,000.00) Dollars," and insert in lieu thereof the words and figures "Two Thousand Five Hundred ($2,500.00) Dollars" in lines 12 and 13.

Also amend Section 4 by striking out the first word thereof "to" and insert in lieu thereof the words "the State Veterinary Surgeon shall."

Also amend Section 6 by inserting, after the word "surgeon" in line 74, the words "which bond shall be in the sum of Five Thousand Dollars."

Also amend Section 7, in lines 76 and 77, by striking out the words and figures "One Hundred and twenty-five ($125.00) Dollars" and insert in lieu thereof the words and figures "One Hundred and fifty ($150.00) Dollars."

Also amend Section 7, by adding after the word "for" in line 87 of said Section, the words "except animals affected with tuberculosis not generalized."

Also amend Section 7 by striking out in line 95 the words, "animals of the second class may be slaughtered without notice;" also by striking out in lines 94 and 95, after the word "animals" the words "of the first class."

Also amend Section 7 in line 102 by striking out the word "not" after the word "animals."

Also amend Section 8 by adding, after the word "act" in line 140, the following words: "The non-existence of any such lesson may be established by the decision of the Pathologist of the Pathological Section of the United States Board of Animal Industry."

Also amend Section 8 by striking out the words "without notice" after the word "killed" in line 141.

Also amend Section 9 by striking out the words "said valuation must be made by the Veterinarian, or deputy, ordering the slaughter or killing of the animals or holding the autopsy, in accordance with the following schedule," in lines 151, 152 and 153 and insert in lieu thereof, the following: "Said valuation must be made by the Veterinarian, or his deputy, and the owner. In case they cannot agree, each of said persons shall select one arbitrator, and the two so chosen shall name a third arbitrator to fix such valuation. Said valuation shall be made in accordance with the following schedule."

Also amend Section 9 by striking out the word "twenty," in line 154, and insert in lieu thereof the word "thirty."

Also amend section 9, by striking out after the word "animal," in line 155, the following words: "under four years old, an amount not exceeding fifteen dollars," and insert in lieu thereof the following: "three years old, an amount not exceeding twenty-five dollars, two years old, an amount not exceeding eighteen dollars, one year old, an amount not exceeding twelve dollars."

Also by striking out the words "twenty-five" in line 156 of Section 9, and insert in lieu thereof the word "forty."

Also by striking out in lines 157 and 158, the words "under four years old, an amount not exceeding twenty dollars," and insert in lieu thereof the following words: "three years old, an amount not exceeding thirty dollars, two years old, an amount not exceeding twenty dollars, one year old, an amount not exceeding fifteen dollars."

Also, by striking out the word "fifty" in line 159 and insert in lieu thereof the words "sixty-five."

Also by striking out the words "under four years old, an amount not exceeding forty dollars per head," in line 160 of Section 9, and inserting in lieu thereof the following words: "three years old, an amount not exceeding fifty dollars per head, two years old, an amount not exceeding thirty-five dollars per head, one year old an amount not exceeding twenty-five dollars per head."

Also amend Section 10 by striking out in lines 166 and 167 the following words: "and any other livestock owner by the person so made liable."

Also amend Section 15 by inserting, after the last word of said Section, the following words: "and the value of all animals slaughtered under the provisions of this Act, which are to be paid for as herein provided."

Also amend House Bill No. 270 by striking out all of Section 16.

Also change the numbers of Sections 17, 18, 19, 20, 21, 22, 23 and 24 so as to read, "Sections 16, 17, 18, 19, 20, 21 22 and 23, respectively.

Also amend Section 16 as re-numbered by striking out the word "felony" in line 223, and insert in lieu thereof the word "misdemeanor."

All references to lines in this report are made with reference to the bill as printed, for convenience."

On motion by Brewster, report was adopted.

House Bill No. 270, with amendments, was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 73, "A Bill for an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, 'An Act for an Act to amend Section 410 of the Political Code of Montana, relating to the Fees of the Secretary of State,' approved March 2nd, 1899, relating to the fees of the Secretary of State, and also an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, "A Bill for an Act to amend Section 410 of the Political Code of Montana, relating to the Fees of the Secretary of State," approved March 2nd, 1899, relating to the Fees of the Secretary of State, approved March 9th, 1903," beg leave to report same back to the House with the recommendation that it be concurred in."

Lanstrum moved that further consideration of Senate Bill No. 73 be indefinitely postponed. Motion lost.

Johnston moved to adopt the report. Motion carried.

Senate Bill No. 73 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 75, A Bill for an Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriators." beg leave to report same back to the House with the recommendation that the same be not concurred in."

On motion by Lanstrum, report was adopted.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 308, A Bill for "An Act fixing the maximum number of Deputy Sheriffs in Counties of the First Class and the Maximum Annual Compensation thereof," beg leave to report same back to the House with the recommendation that it do pass."

On motion by Canoll, report was adopted.

House Bill No. 308 was referred to Committee on Printing.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 84, A Bill for "An Act to regulate the speed and operation of Automobiles and Motor Vehicles on Highways," beg to report same back to the House with the recommendation that the same be concurred in."

On motion by Berry, report was adopted.

Senate Bill No. 84 was referred to General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Joint Resolution No. 3, beg leave to report same back to the House with the recommendation that it be concurred in."

On motion by Sales, report was adopted.

Senate Joint Memorial No. 3 was referred to General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 87, "A Bill for an Act to amend Section 4604 of the Political Code of the

State of Montana, relating to the compensation and mileage of sheriffs," beg leave to report same back to the House with the recommendation that the same be concurred in."

On motion by Sales, report was adopted.

Senate Bill No. 87 was placed on General Orders.

By Bennett:

"Mr. Speaker:

Your Committee on Ways and Means, to whom was referred Senate Bill No. 32, A Bill for an Act enttiled "An Act to regulate the issuance of licenses, to retail liquor dealers in cities, towns, villages or camps containing a population of less than one hundred," beg leave to recommend that it be concurred in."

On motion by Brewster, report was adopted.

Senate Bill No. 32 was placed on General Orders.

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 1st day of March, 1905, at the hour of 3:33 P. M., delivered to his Excellency, the Governor, the following House Bills:

House Bills Nos. 174, 199, 247, 263, 68, 191 and 286."

MOTIONS AND RESOLUTIONS.

MacGinnis moved that House Bill No. 216 be indefinitely postponed.

Motion carried by the following vote:

Ayes—Berry, Bembrick, Blake, Canoll, Carriher, Coleman, English, Harrington, Hayes, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Murray, Murphy, MacGinnis, O'Brien, Patten, Roach, Roll, Ross, Sanden, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson and Wyman—35.

Noes—Bennett, Blankenship, Brewster, Burt, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Hilman, Huntington, Johnston, Metcalf, Mumbrue, Murray, Macdonald, O'Connor, Potter, Quigley, Reel, Richardson, Sales, Sanders, Sewell, Stevens, Sykes and Mr. Speaker—29.

Brewster moved that the vote, referring House Bill No. 270 to the Printing Committee, be reconsidered; and that House Bill No. 270 be placed on General Orders. Carried.

Wilson moved that the House recess until 8:30 P. M.

Substitute motion, by Kennedy, to adjourn until 11 A. M tomorrow.

Substitute motion carried and the House adjourned at 6:40 P. M.

.....

Speaker.

.....

Chief Clerk.

SIXTIETH DAY

Thursday, March 2nd, 1905.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called and all members present except English, Hewett and Potter.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Brigham:

"Mr. Speaker:

We, your Committee on Libraries, having had under consideration House Bill No. 249 entitled, An Act to amend Sections 2385 of the Political Code of Montana providing for the Loan of Books belonging to the State Library, wish to report the same back to the House with the recommendation that it do pass."

On motion by Blake, report was adopted.

House Bill No. 249 was referred to Committee on Printing.

By Wilson:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 304, 245, 251, 309, 310, 311, 221, 306, 292, House Joint Memorial No. 11, Substitute for House Bill No. 305 and Substitute for House Bill No. 261 as correctly engrossed.

Report received and House Bills Nos. 304, 245, 251, 309, 310, 311, 221, 306, 292, House Joint Memorial No. 11, Substitute for House Bill No. 305 and Substitute for House Bill No. 261 were placed on file for third reading.

"To the President of the Senate, Speaker of the House, Honorable Members of the Ninth Legislative Assembly:

We, the undersigned committee appointed to visit and investigate the condition and needs of the Agricultural College at Bozeman and State Reform School at Miles City, beg leave to report the result of our investigation of the State Reform School at Miles City as follows:

The building of the State Reform School consists of two large buildings; one occupied exclusively by the boys, and the other exclusively by the girls. The girl's building was found to be in perfect condition, clean, sanitary and not in need of any present repairs. There were at the time of our visit but nine girls in the Institution, and the room space was more than adequate for school, living and recreation purposes.

After a thorough and searching investigation, we are of the unanimous opinion that the supervision and discipline of the female inmates is exceptionally efficient and proper. There are no complaints whatsoever; on the contrary, the praise and commendation on the part of the girls for the policy of supervision and discipline of the superintendent of the institution, and of the attaches of the girls' building was very pronounced. We found that physical punishment has never been necessary in the girls' department under the present administration. The matter of health of the female inmates was thoroughly reported to your committee by the attending physician, which was exceptionally good.

The boys' building was gone over thoroughly by your committee and in respect to this building we have much to say and to suggest for its betterment. The first floor of this building is used for kitchen, refractory and hospital purposes. This floor was found to be in a fair condition. The stairway leading from the first floor to the second floor is in a very wornout and deplorable condition. The third floor is used exclusively for dormitory purposes, and consists of two main rooms, 45 by 60 feet and a 14 ft. 6 in. ceiling. Each one of these rooms contains thirty-six single beds; each room having thirty-six inmates. The hour for retiring is seven-thirty o'clock, and for rising five-thirty o'clock. The space room in each one of these dormitories is absolutely inadequate. This crowded condition of affairs in the dormitory has been complained of by the Superintendent of the Institution, other officers, and by many of the inmates.

The condition of the sleeping apartments as they exist today are, to say the least, deplorable. This condition is certainly not conducive to good health. The floors of the dormitories have never been repaired since the building of the institution, as we have been informed, and, at the present time are very much worn and splintered. The second floor is occupied for school purposes, being divided into two rooms, one for the larger boys and one for the smaller. The equipment and furnishing of these two rooms are very poor. The desks being old, worn, marked, mutilated and were found in a bad condition. Outside of the bare desks in the school rooms, there is but very little furniture; in fact, a person would not know that he was in a school room unless he was so informed, so scarce are the equipments that are essential to such a department.

The corridor-floor, leading toward the school room, is worn out and very much splintered; nails protruding promiscuously. The condition of the school room floors is equally as bad throughout the entire building.

The kitchen and dining department is conducted in an exemplary manner, and gives satisfaction to all inmates without exception.

The foodstuffs used by the institution are chiefly of home product; simple and plain, but very substantial.

Throughout both buildings the scarcity of furniture and other proper adornments is very marked; in fact, there is not an adornment of any kind whatsoever

upon the walls of the dining, sleeping and school departments. And in this connection, we might say that the plastering of the walls and ceiling, which was done many years ago, has scarcely been retouched or repaired; and at the present time, the plastering has broken and fell from the ceiling in a great many of the rooms.

Your Committee investigated the barns, grounds, and boiler-room and shoe-shop and found the same to be thoroughly adequate and sanitary.

The superintendent of the institution, Mr. Hawkins, has been very energetic in fostering and inculcating among the students the necessity and desire of learning different trades, and for this purpose there is a small building, 14 by 25 feet, used for a blacksmith shop. The desire on the part of the male inmates to learn this trade is very pronounced and specimens of the workmanship turned out of the shop by the apprentices, has demonstrated to your committee that efficient mechanics can be made. The shop used for this purpose is too small to admit of extended work, and the tools are not sufficient in number. Out of seventy-two inmates, at least ten have applied for apprenticeship in this shop but it can only admit of two.

The same can be said for the carpentershop. In fact, there is no carpenter-shop on the grounds but a make-shift.

The shoe department is an exceptionally fine department. There are ten or eleven boys employed constantly at this trade, and all the footwear used by the inmates of the institution are made in this shop by the inmate apprentices under the supervision of the master shoe-maker. The workmanship of this department is remarkable and in some respects equal to the best shops of the State. The inmates generally show a very marked inclination to occupy their time by learning one of the above named trades, and it behooves the people of the State of Montana to aid this work as much as possible, because it places at the disposal of the inmates, upon his parolment or discharge, the opportunity to immediately engage in work in the trade which he has learned.

The gymnasium of this institution consists of a room about 50 by 65 feet on the second floor of the boiler room and is very inadequate. Gymnastics or physical culture is a matter which appeals to all intelligent persons, and has been adopted in all first class educational institutions of the United States, and its value and necessity need no comment from your committee.

Another department of the institution which is in a very bad condition is the laundry room. The inmates perform all laundry work under a system of detail. The laundry attached to the girls' building was found to be sufficient for all purposes; but in the laundry room of the boys' building, they are using at the present time ordinary box tubs, which are very much worn and in a very bad condition.

This is an industry which gives employment to a great many people throughout the State and is as much a trade as any of the above named trades, and should meet with the approbation of the Legislature of this State, along the lines of appropriation, for the purpose of putting in a steam laundry. The superintendent of the institution estimated that a very adequate steam laundry could be installed at a cost of about Twelve Hundred Dollars.

The baths connected with this institution are exceptionally inadequate and unsanitary, insofar as the material used therein is concerned. There are seven showers, which is supposed to supply the needs of seventy-two boys. The floor of the shower bath consists of sheet galvanized iron, plain pine wood finishing. This department should be enlarged and made modern in all respects.

In reporting to your Honorable Body in manner foregoing, we desire to say that this condition of affairs is not due to any fault of the superintendent of the institution, or the Board of Trustees. In the judgment of your committee, the superintendent is an exceptionally good man for the position, and he, together with the Board of Trustees, have done everything in their power with the small means at their command, to better the physical condition of the institution. Whatever renovating, repairs, or additions which have been made, have been paid for out of the maintenance fund of the institution. In the humble judgment of your committee, it is remarkable that the sanitary condition of the institution, the health of the inmates, and discipline of the same, have been maintained at

such a high grade, in the face of a restricted revenue. There is an urgent necessity for funds to obviate all these obstacles and conditions.

Another deplorable condition of this institution is the fact that there is no official library connected with the institution, and whatever reading material, periodicals, etc., that reach the institution, do so purely through charitable sources, and this is very meagerly. We found the lack of reading material to be one of the most desired features, by the student body. Twenty per cent of the inmates appealed to your committee to see to it that the books or magazines and other periodicals be sent to the institution for their benefit. This should occupy the attention of this Legislature and of the people of the State in general, for it is a valuable adjunct to the institution, and the use of such books would prove to be one of the most valuable preoccupations that could be indulged in by the student body.

The institution has on hand, four or five old band instruments. There are a great many of the boys that are fairly good musicians, and under trying difficulties they have organized an incomplete band.

Very commendable reports were given to your committee, by officers of the institution and citizens of the town of Miles City, of the students' efficiency along these lines. A set of band instruments would be a very appreciable and profitable addition to this institution, and would cost but very little.

On the question of discipline, we wish to call the attention of the Legislature to the fact that the maintenance funds of this institution will permit of the employment of but one night watchman for the two large dormitories in the boys' building. There is an absolute necessity of an additional night watchman for the dormitories. The necessity of this is made plain by the reason of the fact that the immoral vices which have been reported to the public at large, are generally practiced at night, and in the absence of the watchman. Under the present condition of affairs, it is impossible for a surveillance to be kept upon both dormitories during the entire sleeping period by one watchman.

In view of the fact that reports have been made in connection with the State Penitentiary Investigation, that inmates of the Reform School were prone to immoral practices, we desire to say that the committee investigated this particular subject with a great deal of care and painstaking. We found that among the boys who are perfect physically and mentally, that there is no reports of any such practices; and this class consists of seventy-five per cent of the inmates. The only cases of immoral practice brought to the attention of this committee, and known to have occurred by the officers of the institution, were confined to those inmates who are weak mentally and physically, and invariably it has been found that this vice was contracted prior to their commitment. It is a matter which is carefully watched by the officers, and whenever discovered prompt punishment is meted out to the offender. The method of physical punishment used in the boys' department consists of strapping and confinement in cage. The strapping punishment has only been resorted to five or six times within the last year, and in the opinion of your committee has proven to be very effective, yet not dangerous.

In conclusion we desire to commend the Board of Trustees of the Reform School for their able and conscientious work in the supervision of the institution. Inasmuch as the said Board have not available funds to make all necessary repairs or additions, the need of which we have attempted to point out, they are entitled to considerable credit for keeping the grounds and buildings in as good a condition as they now are. The members of said Board are all able, painstaking and conscientious gentlemen, and have the welfare of the school always in mind. The same commendation can be said of the superintendent.

We further recommend that the increase of appropriation for this institution, made by the House of Representatives in House Bill 303, will meet with the approval of the Honorable Senate and his Excellency, the Governor.

Respectfully submitted,

C. W. HARPER,
C. E. CARRIHER,
J. A. COLEMAN."

On motion by Blake, report was adopted.

By Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 77, A Bill for an Act entitled, "An Act authorizing the incorporation of Endowment and Investment Companies." beg leave to report same back to the House with the recommendation that it be concurred in."

On motion by Lanstrum, report was adopted.

Senate Bill No. 77 was placed on General Orders.

Also by Mulroney:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 63, "A Bill for an Act entitled An Act to amend Section 939 of the Penal Code of the State of Montana, relating to the removal of mortgaged personal property from the county where it is situated at the time it is mortgaged," beg leave to report back to the House that the same be concurred in as amended:

Amend Section 1 by striking out in lines 10 and 11, the following words: "and every person who assists in, aids or abets in the removal of said property, with the intent to defraud such mortgagee."

Also amend Section 1 by striking out the word "grand" in line 12."

On motion by Ross, report was adopted.

Senate Bill No. 63, with amendments, was placed on General Orders.

READING OF SENATE BILLS.

On motion by Lanstrum, the rules were suspended and all Bills, except Appropriation Bills, were read third time by title only.

Senate Bill No. 21, having been read three several times, was not concurred in by the following vote:

Ayes—Bembrick, Blankenship, Coleman, Collier, Dempster, Forsythe, Harrington, Hayes, Hilman, Huntington, Kennedy, Lannin, Meunier, Mulroney, Mumbrue, Murray, Macdonald, Roach, Roll, Sanders, Selway, Stevens, Sykes, Teskey, Vandyck, Walker, Wiedeman, and Mr. Speaker—28.

Noes—Bennett, Berry, Blake, Brewster, Brigham, Buck, Burt, Carriher, Christian, Cone, Decker, Everett, Fairbanks, Johnston, Lanstrum, Linderman, Metcalf, Murphy, Patten, Quigley, Reel, Richardson, Ross, Sales, Sanden, Schoonover, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Williams, Wood and Wyman —33.

Absent and not voting—Canoll, English, Geyman, Hewett, Leiper, MacGinnis, O'Brien, O'Connor, Potter, Sullivan of Jefferson and Wilson—11.

Senate Bill No. 79, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, Macdonald, Patten, Quigley, Reel, Richardson, Ross, Sales, Sanden, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—49.

Noes—Coleman, Dempster, Huntington, Kennedy, Meunier, Murphy, Roach, Roll, Schoonover, Shannon, Sullivan of Lewis and Clarke, Teskey and Wyman—13.

Absent and not voting—Canoll, English, Geyman, Hewett, MacGinnis, O'Brien, O'Connor, Potter, Starz, and Sullivan of Jefferson—10.

Title agreed to.

MOTIONS AND RESOLUTIONS.

On motion by Leiper, Senate Bill No. 32 was re-referred to Committee on Ways and Means.

The following reports were received:

REPORTS OF STANDING COMMITTEES.

By Bennett:

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration Senate Bill No. 32, A Bill for an Act entitled, "An Act to regulate the issuance

of licenses to retail liquor dealers in cities, towns, villages or camps containing a population of less than one hundred," beg leave to report same back with the recommendation that it do pass as amended as follows:

Amend Section 1, line 3, by striking out the words "or elsewhere not provided for by law," and inserting instead the words "where the population is less than one hundred," also in line 9, after the word "shall" insert the following: "in their discretion."

Amend said Bill by adding thereto two additional Sections to be known and numbered 2 and 3 and change Sections 2 and 3 as now numbered in bill to Sections 4 and 5.

Section 2. Nothing herein contained shall be construed so as to require the Board of County Commissioners to issue any such order for a license as a matter of right but such license may be ordered to be issued entirely within the discretion of said Board of County Commissioners.

Section 3. Boards of County Commissioners are hereby granted power of supervision and control over persons engaged in the sale of intoxicating liquors in their respective counties outside of the corporate limits of incorporated cities and towns. And for the purpose of exercising such supervision and control it shall be lawful for the Board of County Commissioners of any county who are authorized to issue any order for a license for the sale of intoxicating liquors under the provisions of this Act, after notice to the person or persons holding such license, a reasonable opportunity to be heard, to revoke any license granted under the provisions of this Act, and declare the same forfeited, upon proof satisfactory to the Board that such person or persons have violated any of the laws of this State regulating the sale of intoxicating liquors, or that they have violated any of the provisions of the law regulating persons so licensed to sell, or places where such liquors are sold, or that such person or persons have permitted any of the laws of this State to be violated upon the premises wherein such liquors are authorized to be sold, or if such premises shall become the resort of idle, dissolute or disorderly persons, or shall be so conducted as to disturb the peace and quiet of the neighborhood; and such license shall cease to be in force from and after its revocation."

On motion by Leiper, report was adopted.

Senate Bill No. 32, with amendments, was placed on General Orders.

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 308, and 312 have been returned correctly printed and are ready for General Orders."

Report received and House Bills Nos. 308 and 312 were referred to General Orders.

COMMUNICATIONS AND PETITIONS.

The following telegram was received:

"Missoula, Montana, March 1, 1905.

Hon. House of Representatives, State Capitol, Helena.

Accept thanks of student body for your appropriation for University.

WM. O. DICKINSON."

THIRD READING OF BILLS.

Senate amendments to House Bill No. 265 were read and, on motion by Lanstrum, was concurred in by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murphy, Macdonald, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wyman and Mr. Speaker—52.

Noes—None.

Absent and not voting—Bennett, Canoll, Coleman, English, Geyman, Hewett, Mumbrue, Murray, MacGinnis, O'Brien, O'Connor, Patten, Potter, Selway, Shannon, Stevens, Sullivan of Jefferson, Walker, Wilson and Wood—20.

Senate amendments to House Bill No. 172 were read and, on motion by Dempster, concurred in by the following vote:

Ayes—Berry, Bembrick, Blankenship, Brewster, Buck, Burt, Carriher, Christian, Coleman, Collier, Decker, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Leiper, Linderman, Metcalf, Mulroney, Macdonald, O'Brien, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Starz, Sewell, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Wiedeman, Wood, Wyman and Mr. Speaker—50.

Noes—None.

Absent and not voting—Bennett, Blake, Brigham, Canoll, Cone, English, Everett, Geyman, Hewett, Lanstrum, Meunier, Mumbrue, Murray, Murphy, MacGinnis, O'Connor, Potter, Selway, Sullivan of Lewis and Clarke, Walker, Williams and Wilson—22.

Senate Amendments to House Bill No. 182 read, and on motion by Wyman concurred in by the following vote:

Ayes—Bembrick, Blankenship, Brewster, Brigham, Carriher, Christian, Coleman, Collier, Decker, Dempster, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—49.

Noes—Buck—1.

Absent and not voting—Bennett, Berry, Blake, Burt, Canoll, Cone, English, Everett, Fairbanks, Geyman, Hewett, Metcalf, Mumbrue, Murray, MacGinnis, Murphy, Macdonald, O'Brien, Potter, Selway, Walker and Williams—22.

Senate Amendments to House Bill No. 112, were read and on motion by Wilson, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Decker, Dempster, Everett, Forsythe, Harrington, Hayes, Hilman, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Meunier, O'Connor, Patten, Quigley, Roach, Roll, Sanders, Sullivan of Jefferson, Vandyck, Wiedeman, Williams, Wilson and Mr. Speaker—37.

Noes—Collier, Huntington, Lannin, Metcalf, Murphy, Macdonald, Reel, Richardson, Ross, Sales, Sanden, Schoonover, Sewell, Shannon, Stevens, Sykes, Wood and Wyman—18.

Absent and not voting—Canoll, Cone, English, Fairbanks, Geyman, Hewett, Mulroney, Mumbrue, Murray, MacGinnis, O'Brien, Potter, Selway, Starz, Sullivan of Lewis and Clarke, Teskey and Walker—17.

House Bill No. 245, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Murphy, Macdonald, O'Connor, Patten, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—None.

Absent and not voting—Bennett, Brewster, Canoll, Cone, English, Geyman, Hewett, Mulroney, Mumbrue, Murray, MacGinnis, O'Brien, Potter, Selway, Sullivan of Jefferson and Teskey—16.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as corrrectly enrolled this 2nd day of March, 1905:

House Bill No. 275, An Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize and empower corpora-

tions to dispose of, or sell the whole or any part of their property, and to protect the stockholders dissenting from such action.

Also House Bill No. 268. An Act appropriating money for the payment of the claim of Amelia Breidenbach for services rendered as stenographer to the office of Attorney General during the month of December, 1902, and January, 1903.

Also House Bill No. 267, An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title I. Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.

Also House Bill No. 214, An Act permitting Sole Corporations to file amended Articles of Incorporation, and defining their powers.

Also House Bill No. 194, An Act providing that Water Users' Associations, organized in conformity with the requirements of the Laws of the United States and the State of Montana for the furnishing of water only to its stockholders, shall be exempt from Incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such Articles and Issuing Certificate of Incorporation.

Also House Joint Resolution No. 7.

Also House Bill No. 206, An Act approving Duplicate Bounty Certificates numbers 146 and 222 in favor of Perry L. McCrea, and appropriating money for the payment thereof.

Also House Bill No. 209, An Act appropriating money for relief of M. A. Wellman for Mileage and Per Diem while in attendance as a De Facto member of the House of Representatives.

Also House Bill No. 274, An Act to amend Sud-division VI of Section 403, to amend Section 411, and to add sub-division 8. to Section 520 of the Civil Code of the State of Montana relating to Corporations, and to provide for the Issuance of Preferred Stock.

Also House Bill No. 219, An Act granting unto the Government of the United States the right to use or enlarge any canal or ditch required in whole or in part for the construction of Irrigation works by the United States within the State of Montana.

Also House Bill No. 255, An Act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled, "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of the State of Montana," approved March 6, 1897, as the same is now in force after an amendment by an Act entitled, "An Act to amend Sections 4063 and 4064 of the Political Code of the State of Montana, approved March 4, 1901, relating to Licenses.

Also House Bill No. 246, An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana.

Also Substitute for House Bill No. 57, An Act declaring Trespass by livestock in herd to be a misdemeanor and prescribing the punishment thereof, and repealing an Act entitled "An Act to protect the owners of real estate and claimants under any of the Land Laws of the United States, and Lessees of State Lands from trespass by depredation or injury from livestock held in herd," approved March 6, 1903.

Also House Bill No. 208, An act providing for the appropriating of money for the payment of certain claims incurred in election contest cases.

Also House Bill No. 264, An Act appropriating money for the payment of claims of D. J. Whaley and C. B. Tabor, account services rendered the Eighth Legislative Assembly of the State of Montana.

Also House Bill No. 239, An Act to repeal Section 1318 of the Political Code of the State of Montana relating to elections.

Also House Bill No. 252, An Act to provide for the support of the Government of the State of Montana for the years 1905 and 1906.

Also House Bill No. 235, An Act to make legal and valid certain Special Improvement District Warrants issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly entitled, "An Act relating to public improvements in cities and towns, etc.," approved March 8, 1897, in payment for the construction of a sanitary sewer in the said City of Havre."

Also House Bill No. 290, An Act relative to number of assistants allowed

Treasurers in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class.

Also House Bill No. 187, An Act providing for the furnishing and use of blank form books for the recording of articles of incorporation and stock certificates of Water Users' Associations organized under the National Reclamation Act, and prescribing the fees for such recording."

Mr. Speaker announced to the House that he was about to sign House Bill No. 268, An Act appropriating money for the payment of the claim of Amelia Breidenback for services rendered as stenographer to the office of Attorney General during the months of December, 1902, and January, 1903.

Also Substitute for House Bill No. 57, An Act declaring Trespass by livestock held in herd to be a misdemeanor and prescribing the punishment therefor, and repealing an Act entitled "An Act to protect the owners of real estate and claimants under any of the Land Laws of the United States, and Lessees of State Lands from trespass by depredation or injury from livestock held in herd," approved March 6, 1903.

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Also House Bill No. 274, An Act to amend Sud-division VI of Section 403, to amend Section 411, and to add sub-division 8. to Section 520 of the Civil Code of the State of Montana relating to Corporations, and to provide for the Issuance of Preferred Stock.

Also House Joint Resolution No. 7, introduced by Bennett.

Also House Bill No. 209, An Act appropriating money for relief of M. A. Wellman for Mileage and Per Diem while in attendance as a De Facto member of the House of Representatives.

Also House Bill No. 219, An Act granting unto the Government of the United States the right to use or enlarge any canal or ditch required in whole or in part for the construction of Irrigation works by the United States within the State of Montana.

Also House Bill No. 214, An Act permitting Sole Corporations to file amended Articles of Incorporation, and defining their powers.

Also House Bill No. 194, An Act providing that the Water Users' Association, organized in conformity with the requirements of the Laws of the United States and the State of Montana for the furnishing of water only to its stockholders, shall be exempt from Incorporation tax, annual franchise tax, and fixing the fee required to be paid to the Secretary of State for filing and recording such Articles and Issuing Certificate of Incorporation.

Also House Bill No. 239, An Act to repeal Section 1318 of the Political Code relating to elections.

Also House Bill No. 267, An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.

Also House Bill No. 290, An Act relative to number of assistants allowed Treasurers in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class.

Also House Bill No. 264, An Act appropriating money for the payment of claims of D. J. Whaley and C. B. Tabor, account services rendered the Eighth Legislative Assembly of the State of Montana.

Also House Bill No. 275, An Act to enlarge the powers of corporations as to disposing of, or selling their property, and to authorize and empower corporations to dispose of, or sell the whole or any part of their property, and to protect the stockholders dissenting from such action.

Also House Bill No. 255, An Act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled, "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana," approved March 6th, 1897, as the same is now in force after an amendment by an Act entitled, "An Act to amend Section 4063 and 4064 of the Political Code of the State of Montana, approved March 4, 1901, relating to Licenses.

Also House Bill No. 246. An Act to amend Sections 1152 and 1173 of the Code of Civil Procedure of Montana.

Also House Bill No. 208. An act providing for the appropriating of money for the payment of certain claims incurred in election contest cases.

Also House Bill No. 252. An Act to provide for the support of the Government of the State of Montana for the years 1905 and 1906.

Also House Bill No. 235. An Act to make legal and valid certain Special Improvement District Warrants issued by the City of Havre, Chouteau County, Montana, by virtue of an Act of the Legislative Assembly of the State of Montana entitled An Act relating to public improvements in cities and towns, etc.," approved March 8th, 1897, in payment for the construction of a sanitary sewer in the said City of Havre.

Also House Bill No. 187. An Act providing for the furnishing and use of blank form books for the recording of articles of incorporation and stock certificates of Water Users' Associations organized under the National Reclamation Act, and prescribing the fees for such recording.

Leiper moved that the House recess until 2 P. M. Motion lost.

INTRODUCTION OF BILLS.

Murray requested unanimous consent to introduce a Bill for the Appropriations Committee, without having given previous notice. Granted.

The following Bill was introduced and placed on file:

By Committee on Appropriations: H. B. No. 313, A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the Rocky Mountain Bell Telephone Company, for services rendered the Attorney General's Office of the State of Montana, during the years of 1901, 1902 and 1903."

READING OF HOUSE BILLS.

The following Bill was taken from the file:

H. B. No. 313, read first and second times, and referred to Committee on Printing.

THIRD READING OF HOUSE BILLS.

House Bill No. 251, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blankenship, Brigham, Buck, Christian, Coleman, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Johnston, Linderman, Meunier, Mulroney, Murphy, Macdonald, O'Connor, Potter, Quigley, Reel, Roach, Roll, Sales, Sanden, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Walker, Wiedeman, Williams, Wood, and Mr. Speaker—39.

Noes—Bennett, Brewster, Huntington, Leiper, Metcalf, Patten, Richardson, Ross, Sanden, Schoonover, Sewell—11.

Absent and not voting— Blake, Burt, Canoll, Carriher, Collier, Cone, Decker, English, Geyman, Hewett, Kennedy, Lannin, Lanstrum, Mumbrue, Murray, MacGinnis, O'Brien, Selway, Teskey, Vandyck, Wilson and Wyman—22.

Title agreed to.

House Bill No. 304, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Christian, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Johnston, Lannin, Linderman, Metcalf, Meunier, Mulroney, Murphy, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Teskey, Walker, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—47.

Noes—None.

Absent and not voting—Blake, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hayes, Hewett, Kennedy, Lanstrum, Leiper, Mumbrue, Murray, MacGinnis, O'Brien, Selway, Sullivan of Lewis and Clarke, Sykes, Vandyck, and Wyman—25.

Title agreed to.

House Bill No. 309, having been read three several times, was passed by the following vote:

Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Christian, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington, Lannin, Lanstrum, Linderman, Mulroney, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—46.

Noes—None.

Absent and not voting—Blake, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hayes, Hewett, Johnston, Kennedy, Leiper, Metcalf, Meunier, Mumbrue, Murray, O'Brien, Ross, Sales, Selway, Sykes and Vandyck—26.

Title agreed to.

House Bill No. 310, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Christian, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke Teskey, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—51.

Noes—None.

Absent and not voting—Blake, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Kennedy, Leiper, Metcalf, Mumbrue, O'Brien, Sanders, Selway, Sykes, Vandyck—21.

Title agreed to.

House Bill No. 311, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Christian, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Linderman, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Williams, Wilson, Wood, Wyman and Mr. Speaker—51.

Noes—None.

Absent and not voting—Blake, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Kennedy, Leiper, Metcalf, Meunier, Mumbrue, O'Brien, Selway, Sykes and Wiedeman—21.

Title agreed to.

Lanstrum asked unanimous consent of the House for the Speaker to instruct the Chief Clerk to change words and figures, in lines 1 and 2, of Section 1 of House Bill No. 265, to conform with the sum total of the Bill. Granted.

House Bill No. 221, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Buck, Christian, Dempster, Fairbanks, Harrington, Hayes, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Mulroney, Murray, MacGinnis, O'Connor, Patten Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sewell, Starz, Sullivan of Lewis and Clarke Vandyck, Williams, Wilson and Wood—35.

Noes—Everett, Forsythe, Hilman, Huntington, Murphy, Macdonald, Potter, Sales, Sanders, Schoonover, Stevens, Teskey, Wiedeman and Mr. Speaker—14.

Absent and not voting—Blake, Brigham, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Leiper, Metcalf, Meunier, Mumbrue, O'Brien, Selway, Shannon, Sullivan of Jefferson, Sykes, Walker and Wyman—23.

Title agreed to.

House Bill No. 306, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blankenship, Christian, Dempster, Fairbanks, For-

sythe, Everett, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Mulroney, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wyman and Mr. Speaker—44.

Noes—Bennett, Brewster, Murray, Sewell and Wilson—5.

Absent and not voting—Blake, Brigham, Buck, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Leiper, Metcalf, Meunier, Mumbrue, O'Brien, Richardson, Roach, Selway, Sullivan of Jefferson and Sykes—23.

Title agreed to.

House Bill No. 292, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Christian, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Mulroney, Murray, Murphy, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Vandyck, Wiedeman, Williams, Wilson, Wood and Mr. Speaker—47.

Noes—None.

Absent and not voting—Blake, Brigham, Buck, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Leiper, Metcalf, Meunier, Mumbrue, O'Brien, Richardson, Selway, Shannon, Sykes, Teskey, Walker and Wyman—25.

Title agreed to.

House Joint Resolution No. 11, having been read three several times, was passed by the following vote:

Ayes—Berry, Bembrick, Blankenship, Christian, Dempster, Fairbanks, Forsythe, Harrington, Hayes, Huntington, Johnston, Kennedy, Lannin, Murray, Murphy, MacGinnis, Macdonald, Reel, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Walker, Wilson, Wood and Wyman—30.

Noes—Bennett, Brewster, Everett, Linderman, Mulroney, O'Connor, Patten, Potter, Quigley, Richardson, Sales, Sewell, Stevens, Vandyck, Wiedeman, Wilson, and Mr. Speaker—17.

Absent and not voting—Blake, Brigham, Buck, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, English, Geyman, Hewett, Hilman, Lanstrum, Leiper, Metcalf, Meunier, Mumbrue, O'Brien, Selway, Shannon, Starz, Sykes and Teskey—25.

Title agreed to.

Substitute for House Bill No. 305 was read third time.

Sanden moved that the enacting clause be stricken out.

Motion carried; Ayes 29; Noes 19.

On motion by Linderman, the rules were suspended by unanimous consent and Substitute for House Bill No. 261 was considered read at length and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Christian, Fairbanks, Forsythe, Harrington, Hayes, Johnston, Kennedy, Lannin, Linderman, Meunier, Mulroney, Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood Wyman and Mr. Speaker—44.

Noes—Huntington—1.

Absent and not voting—Brigham, Buck, Burt, Canoll, Carriher, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Geyman, Hewett, Hilman, Lanstrum, Leiper, Metcalf, Mumbrue, Murphy, O'Brien, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson and Sykes—27.

Title agreed to.

On motion by Linderman at 1:15 P. M. the House recessed until 3 P. M.

AFTERNOON SESSION.

House re-assembled at 3 o'clock P. M.
Mr. Speaker in the chair.
Roll called. Quroum present.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 303 has this day been concurred in as amended and is herewith returned to the House.

C. E. WIGHT, Secretary."

A petition was received from the Allied Printing Trades Council signed by the Secretary praying for the passage of House Bill No. 296. Placed on file.

"Executive Office, Helena, Montana, March 2nd, 1902.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 262, A Bill for "An Act appropriating money for the payment of the claims of certain persons against the State of Montana, for losses arising from the slaughtering of diseased animals, under the provisions of Sections 3005 and 3006 of the Political Code," without my approval and with my objections thereto.

In my opinion, the amounts allowed on the following claims are not excessive provided any allowance can be made under the Constitution and Laws for such claims, towit:

Matt Taylor	$ 25.00
Otto Quast	300.00
F. D. Hutchinson	225.00
Herman Brass	60.00
J. Altmeyer	30.00
Benepe, Owenhouse Co.	37.00
Sam Rodoni	25.00
George Anderson	290.00
Fitzpatrick and Watt	25.00
C. Melton	90.00
Lewis Wagner	120.00
J. B. Taylor	195.00
Godfrey Roesti	70.00

All of the other claims embraced in said Appropriation Bill in my judgment, after careful investigation, appear to be largely in excess of the actual value of high class dairy cattle in perfect health.

These cattle were destroyed by the Veterinary Surgeon because they were affected with tuberculosis. They were appraised in the manner provided by law. The claims were presented to the State Board of Examiners and by them disallowed and sent to the Legislature for the reason that there were no funds out of which the same could be paid.

In Section 3014 of the Political Code, it is expressly provided that whatever is allowed for the payment of these claims "must be paid from the State Treasury out of the Stock Indemnity Fund upon vouchers certified by the Veterinary Surgeon." The Stock Indemnity Fund is a special fund not raised by general taxation, but derived from certain livestock interests.

It is further provided by Section 3015 that any stock killed "must in no case exceed the amount specially designated for the purpose and that period by the terms of this Article, nor must the Veterinary Surgeon, or any one else, incur any liability under the provisions of this Article in excess of the surplus in the Stock Indemnity Fund hereafter provided; nor must any act performed or property taken under the provisions of this Article, become a charge against the State."

This bill appropriates the sum of $16,238 for the purposes of reimbursing the owners for stock killed which was affected with tuberculosis, and makes the same payable out of the general fund instead of out of the particular fund known as the Stock Indemnity Fund, against which alone it could be charged.

Section 29 of Article V of the State Constitution is as follows:

"No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made; nor providing for the payment of any claim made against the State without previous authority of law, except as may be otherwise provided herein."

It will be noted again that these charges were not only without previous authority of law as a charge against the General Fund, but that, by express statute, it was provided that no act performed or property taken under the law providing for the killing of such stock, should become a charge against the State.

It has been suggested to me, when this point was raised, that it was not applied in the case of H. L. Frank against the State of Montana at the Eighth Session, and $50,000 were appropriated for services rendered and material furnished in connection with the State Capitol.

Whatever may have been the theory upon which the Legislature allowed the claim of Mr. Frank, the facts are: That his claim was presented as a claim properly arising under this contract made for the construction of the Capitol and represented a part of the difference between his claim as presented to the Capitol Commission, and the amount of that claim as allowed by it, and was never, as thought by some, treated or considered as a mere gratuity, but, as a matter of fact, was intended to be a compromise claim under his contract and not otherwise. At least, this is the theory upon which the bill was approved and became a law.

The Constitutional provision above referred to and the several sections of the statute I have quoted which made these claims at the time a charge against the Stock Indemnity Fund and expressly providing that they should not be a charge against the State, makes it impossible for me to approve these claims.

All of the claims presented, except those which I have specially noted, in my judgment, are excessive, and if anything is to be allowed, they should be scaled down so that they would not represent more than twenty-five or thirty dollars a head for the cattle killed.

It is general knowledge in this State that under the provisions of the bounty law which paid bounties for the killing of stock-destroying animals largely in excess of that allowed by adjoining States, has resulted in the State of Montana paying from year to year, many bounties upon animals killed in such adjoining States, and which never ought to have been paid by the State of Mnoatna. Our bounty law was a sort of premium for that kind of imposition.

If the Legislature of this State shall give its sanction to the payment for killing of animals affected with tuberculosis in Montana, at the rate of $45.00, $50.00 and $60.00, a head, it seems altogether reasonable that all such animals will be brought into the State of Montana, and the Veterinary Surgeon at once asked by the owners thereof to slaughter them. It would seem to encourage the introduction of the disease into the State, when the real object of the law ought to be to destroy it, to say nothing about the effect it would have in speedily depleting the State Treasury.

J. K. TOOLE, Governor."

The question was put by the Speaker "Shall House Bill No. 263 pass notwithstanding the veto of the Governor?"

House Bill No. 263, not receiving a two-thirds vote of the House, failed to pass the Governor's veto, by the following vote:

Ayes—Berry, Bembrick, Blake, Carriher, Coleman, Decker, Dempster, English, Forsythe, Hilman, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Meunier, Mulroney, Murphy, Patten, Richardson, Roach, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Stevens, Walker, Wood and Wyman—32.

Noes—Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Cone, Everett, Fairbanks, Harrington, Hayes, Huntington, Johnston, Leiper, Mumbrue, Murray, Macdonald, O'Connor, Potter Quigley, Reel, Roll, Sales, Starz, Sykes, Teskey, Vandyck, Wiedeman, Williams, and Mr. Speaker—31.

Absent and not voting—Bennett, Canoll, Geyman, Hewett, MacGinnis, O'Brien, Sullivan of Jefferson, Sullivan of Lewis and Clarke and Wilson—9.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment, report that we have this 1st day of March, 1905, at the hour of 3 P. M., delivered to His Excellency, the Governor, the following House Bills: House Bills Nos. 275, 268, 267, 214, 194, House Joint Resolution No. 7, House Bills Nos. 206, 209, 274, 219, 255, 246, Substitute for Huose Bill No. 57, House Bills Nos. 208, 264, 239, 252, 235, 290 and 187."

COMMUNICATIONS AND PETITIONS.

The following communication was received:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the vote by which House Bill No. 129 was not concurred in by the Senate has been reconsidered and you are asked to return the same to the Senate for its further consideration.

Respectfully

C. E. WIGHT, Secretary."

Sales moved that the request of the Senate in regard to House Bill No. 129 be granted and the bill returned to the Senate. Carried.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

By Cone:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 2d day of March, 1905:

House Bill No. 112: An Act to amend Section 4050 of Art. I, Chapter XIII, Title X, Part III of the Political Code of Montana, relating to Distribution of Moneys collected for Licenses.

House Bill No. 172: An Act relating to number of assistants allowed the Clerk of the District Court, in Counties of the First Class, and fixing the compensation allowed to said deputies and assistants in counties of the first class.

House Bill No. 265: An Act appropriating money for the payment of deficiency claims of the public printing for expenses incurred.

House Bill No. 182: An Act appropriating money for the payment of deficiency claims of the Game and Fish Warden for expenses incurred".

Mr. Speaker announced to the House that he was about to sign House Bill No. 265, An Act appropriating money for the payment of deficiency claims of the public printing for expenses incurred.

Also House Bill No. 182: An Act appropriating money for the payment of deficiency claims of the Game and Fish Warden for expenses incurred.

Also House Bill No. 112: An Act to amend Section 4050 of Article I, Chapter XIII, Title X, Part III, of the Political Code of Montana, relating to Distribution of Moneys collected for Licenses.

Also House Bill No. 172: An Act relating to number of assistants allowed the Clerk of the District Court, in Counties of the First Class, and fixing the compensation allowed to said Deputies and Assistants in Counties of the First Class".

By Linderman:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bill No. 249 has been returned correctly printed and is ready for General Orders".

Report received and House Bill No. 249 was placed on General Orders.

MOTIONS AND RESOLUTIONS.

By Lanstrum: House Resolution No. 13:

WHEREAS, The Legislative Assembly of the State of Montana has devolving upon it as one of its most important duties the maintenance of State Institutions fostered by the State Government; and,

WHEREAS, It would be more in keeping with the duties of those in charge of State Institutions entrusted to their care, that the Legislative Assembly be permitted to act in the exercise of sober judgment, uninfluenced by lobbyists in

the employ of such Institutions advancing the cause and demands of one or the other of them; now, therefore

BE IT RESOLVED, That it is the sense of the Ninth Legislative Assembly, the Senate concurring, that the heads of said Institutions refrain from lobbying in the future, and attend exclusively to their own duties, and leave the Legislative Assembly to the exercise of its own judgment in making appropriations or providing Legislation in the interest of, or for the maintenance and support of, said Institutions.

Mumbrue moved to adopt the Resolution.

Substitute motion, by Blake, that the Resolution be laid on the table.

Substitute motion carried: Ayes, 40; Noes, 21.

Mr. Speaker announced to the House that he was about to sign Senate Bill No. 38, An Act to prevent and punish the desecration of the flag of the United States.

Also, Senate Substitute for House Bill No. 96 and Senate Bill No. 49, An Act to authorize the appointment of a Commissioner for the Measurement and Division of Water under decree of court in certain cases, and prescribing his duties and compensation.

Also Substitute for Senate Bill No. 35, An Act to amend Section 5039 of the Political Code of the State of Montana, relating to the establishment and maintenance of Free Public Libraries, as amended by an Act of the Fifth Legislative Assembly of Montana, approved March 3rd, 1897.

Also Senate Bill No. 71, An Act to amend Title VIII, Division II, Part IV, of the Civil Code of Montana, relating to the appropriation of Water for beneficial purposes and defining the rights of appropriators, by adding two new Sections to be numbered Sections 1903 and 1904.

THIRD READING OF SENATE BILLS.

Senate amendments to House Bill No. 303 were read; and, on motion by Macdonald, were concurred in by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Decker, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Sales, Sanden, Sanders, Selway, Sewell, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—56.

Noes—Huntington and Schoonover—2.

Absent and not voting—Berry, Canoll, Carriher, Coleman, Cone, Dempster, English, Everett, Geyman, Hewett, MacGinnis, Ross, Shannon and Starz—14.

GENERAL ORDERS.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

"Mr. Speaker:

I am directed by the Senate to ask your Honorable Body to return House Bill No. 255 to the Senate for its further consideration.

C. E. WIGHT, Secretary."

Bennett moved that the request of the Senate be granted. Carried.

On motion by Linderman, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill

No. 270, introduced by Committee on Live Stock and Public Ranges, A Bill for an Act entitled, "An Act to provide for a State Veterinary Surgeon and Deputies; and to define the powers and duties of each; and to provide for the eradication of disease in domestic Live Stock, their quarantine and sanitary inspection; and to repeal Acts covering this subject; and providing penalties for violations of this Act or Regulations prescribed herein", reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Section 5, lines 45 and 46, by striking out all of Sub-division 2.

Also having had under consideration House Bill No. 308, introduced by Wyman, A Bill for an Act fixing the maximum number of Deputy Sheriffs in Counties of the First Class and the maximum annual compensation thereof, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 312, introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of G. A. Pritchett, account services rendered the Ninth Legislative Assembly of the State of Montana", reports same back to the House with the recommendation that it do pass.

Also having had under consideration Senate Bill No. 73, introduced by Donlan, A Bill for an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled "A Bill for an Act to amend Section 410 of the Political Code of Montana relating to the fees of the Secretary of State", approved March 2nd, 1899, relating to the fees of the Secretary of State, and also an Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled "A Bill for an Act to amend Section 410 of the Political Code of Montana, relating to the fees of the Secretary of State, approved March 9th, 1903, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 84, introduced by Bielenburg, A Bill for an Act to Regulate the Speed and Operation of Automobiles and Motor Vehicles on Highways, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Joint Resolution No. 3, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 32, introduced by McLean, A Bill for an Act, entitled, "An Act to regulate the issuance of licenses to retail liquor dealers in Cities, Towns, Villages or Camps containing a population of less than one hundred, reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 63, introduced by McLean, A Bill for an Act entitled, "An Act to amend Section 939 of the Penal Code of the State of Montana, relating to the removal of mortgaged personal property from the place where it is situated at the time it is mortgaged", reports same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 77, introduced by Miles, A Bill for an Act entitled, "An Act authorizing the incorporation of endowment and investment companies, reports same back to the House with the recommendation that it be concurred in with the following amendments:

Amend the bill by striking out all of Section No. 3.

Also amend the bill by striking out all of Section No. 18.

Also amend the bill by changing the Section numbers to run numerically.

Also having had under consideration House Bill No. 139, introduced by Dempster, by request, A Bill for an Act to provide for the establishment for a Board of Architectural Examiners, and providing certain requirements and qualifications for the practice of Architecture in the State of Montana, reports same back to the House with the recommendation that the enacting clause be stricken out.

Also having had under consideration House Bill No. 249, introduced by Quigley, A Bill for an Act to amend Section 2385 of the Political Code of Montana providing for the loan of Books belonging to the State Library, reports same back to the House with the recommendation that the same do pass".

On motion by Lanstrum, the report of the Committee of the Whole was considered read and adopted.

House Bills Nos. 270, with amendment; 308, 312, and 249 were referred to Committee on Engrossment.

Senate Bills Nos. 73, 84, 32, 63, 77, with amendments, and Senate Joint Resolution No. 3 were placed on file for third reading.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 37 and 39 have been passed by the Senate, notwithstanding the objections of the Governor, and are herewith transmitted.

C. E. WIGHT, Secretary.
By J. A. S."

INTRODUCTION OF BILLS.

Murray requested unanimous consent to introduce a Bill without having given previous notice. Granted.

By Committee on Appropriations: H. B. No. 314. A Bill for an Act entitled "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under the provisions of Sections 3005 and 3006 of the Political Code.

READING OF HOUSE BILLS.

H. B. No. 314, read first and second times, and referred to Committee on Printing.

MOTIONS AND RESOLUTIONS.

On motion by Wilson, the rules were suspended, and House Bills Nos. 308 and 312 were considered correctly engrossed and were placed on file for third reading.

RESOLUTION.

Whereas, It has pleased our Heavenly Father to call from us our esteemed friend and brother member of the Eighth Legislative Assembly, the Honorable John Morrissy; and

Whereas, Mr. Morrissy was a good, true, loyal citizen of our State which he served faithfully and conscientiously as a Member of this House; and

Whereas, The memory of his loving kindness, his charity and his noble manly spirit endeared him to the hearts of all who knew him; therefore be it

Resolved, By the House of Representatives that in the death of our friend and colleague, Honorable John Morrissy, we have lost a true friend, and the State of Montana, a most honorable and public spirited citizen; and

BE IT FURTHER RESOLVED, That this Body extend its sincere sympathy to the bereaved family of the late Representative Morrissy; that an engrossed copy of these Resolutions be forwarded to the members thereof, and that these Rsolutions be entered at length upon the Journal of this House.

CHAS. W. DEMPSTER,
THOS. M. EVERETT,
W. H. SALES.

On motion by Dempster, resolution adopted unanimously by a silent rising vote.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills 262, 300 and House Substitute for Senate Bill 48 were today read third time and concurred in; also that House Bill 176, as amended, was read third time and concurred in. Also that Senate Concurrent Resolution No. 2 was read and adopted and is herewith transmitted for your concurrence.

Respectfully
C. E. WIGHT, Secretary."

House Bills Nos. 262, 300 and House Substitute for Senate Bill No. 48 were referred to Committee on Enrollment.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment, report that we have this 2nd day of March, 1905, at the hour of 3:35 P. M., delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 112, 172, 265, and 182".

Sewell reported as follows:

"Mr. Speaker:

Your Committee on House Journal beg leave to report having read and examined Journal of Wednesday, March 1st, and believe same to be correct".

On motion by Dempster, report was adopted.

Kennedy moved that the Special Committee on examination of the Journal be given authority to examine and approve the Journal of March 2nd, 1905, without reporting same to the House. Motion carried.

GENERAL ORDERS.

On motion by Sales, the House resolved itself into a Committee of the Whole, for the consideration of Senate Bill No. 87.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration Senate Bill No. 87, Introduced by McCone, A Bill for an Act to amend Section 4604 of the Political Code of the State of Montana, relating to the Compensation and Mileage of Sheriffs, reports same back to the House with the recommendation that it be concurred in".

On motion by Lanstrum, report was adopted.

Senate Bill No. 87 was placed on file for third reading.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and concurred in and are herewith returned to the House: House Bills Nos. 301, 294, 227, 287, and Substitute for House Bill No. 135.

Respectfully,

C. E. WIGHT, Secretary.

Per L."

House Bills Nos. 301, 294, 227, 287, and Substitute for House Bill No. 135 was referred to Committee on Enrollment.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read third time and concurred in and are herewith returned to the House: House Bills Nos. 231, 222.

Respectfully,

C. E. WIGHT, Secretary.

Per L."

House Bills Nos. 231 and 222 were referred to Committee on Enrollment.

THIRD READING OF BILLS.

Senate Concurrent Resolution No. 2.

BE IT RESOLVED By the Senate of the Ninth Legislative Assembly, the House of Representatives concurring, that the thanks of this Body be extended to Messrs. E. S. Paxon and Charles Russell,—Montana's eminent artists,—for the loan of the beautiful paintings to the Montana Commission to the Louisiana Exposition during the continuance of the Fair at St. Louis,—and,

BE IT FURTHER RESOLVED That an engrossed copy of this Resolution be sent to each of the gentlemen named and that a copy be spread upon the record of this Body.

Senate Concurrent Resolution No. 2 was read and adopted by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murray, MacGinnis, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Bembrick, Geyman, Hewett, Mumbrue, Murphy, O'Brien, Richardson, Shannon, Sullivan of Jefferson, Teskey and Walker—11.

Senate amendment to House Bill No. 176 was read and, on motion by Lanstrum, not concurred in.

Lanstrum moved that a Conference Committee of three be appointed to confer with a like Committee from the Senate in regard to the Senate amendment to House Bill No. 176.

Motion carried and Mr. Speaker appointed Lanstrum, Mulroney and O'Connor as such committee.

Senate Bill No. 73, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Coleman, Collier, Decker, English, Everett, Forsythe, Harrington, Hayes, Hilman, Johnston, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Murray, MacGinnis, Macdonald, O'Brien, Patten, Potter, Quigley, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Stevens, Sykes, Vandyck, Walker, Wiedeman, Wood, Wyman and Mr. Speaker—49.

Noes—Canoll, Dempster, Kennedy, Reel and Starz—5.

Absent and not voting—Cone, Fairbanks, Geyman, Hewett, Huntington, Lannin, Lanstrum, Meunier, Murphy, O'Connor, Schoonover, Sewell, Shannon, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Williams and Wilson—18.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today not concurred in: House Bills Nos. 228, Substitute for 33, 269, 299, 186 232, 212, 141; also that the following Bills were today indefinitely postponed: House Bills Nos. 223, 145, 260; also that the following Bill was read first time and rejected: House Bill No. 221, and the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Per L."

THIRD READING OF BILLS.

Senate Bill No. 84, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Canoll, Carriher, Christian, Collier, Decker, English, Forsythe, Harrington, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Linderman, Metcalf, Mumbrue, MacGinnis, Macdonald, O'Connor, Potter, Richardson, Roach, Roll, Ross, Sales, Selway, Stevens, Sullivan of Jefferson, Sykes, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—42.

Noes—Burt, Murray, Sanden, Sanders and Williams—5.

Absent and not voting—Buck, Coleman, Cone, Dempster, Everett, Fairbanks, Geyman, Hayes, Hewett, Lannin, Leiper, Meunier, Mumbrue, Murphy, O'Brien, Patten, Quigley, Reel, Schoonover, Sewell, Shannon, Starz, Sullivan of Lewis and Clarke, Teskey and Vandyck—25.

Title agreed to.

Senate Joint Resolution No. 3, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brigham, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Dempster, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Meunier, Mulroney, Mumbrue, Murray, Murphy, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Shannon, Stevens, Sullivan of Lewis and Clarke, Sykes, Walker, Williams, Wyman and Mr. Speaker—50.

Noes—Buck, Everett, Forsythe, Wiedeman and Wilson—5.

Absent and not voting—Brewster, Carriher, English, Fairbanks, Geyman, Hewett, Leiper, Metcalf, MacGinnis, Macdonald, Selway, Sewell, Starz, Sullivan of Jefferson, Teskey, Vandyck and Wood—17.

Title agreed to.

INTRODUCTION OF BILLS.

Introduced by unanimous consent.

By Committee on Appropriations: H. B. No. 315. A Bill for an Act entitled "An Act making appropriations for two additional Justices of the Supreme Court of the State of Montana and additional clerical help therefor, for the fiscal years ending November 30, 1905, and November 30, 1906.

READING OF HOUSE BILLS.

H. B. No. 315, read first and second times, and referred to Committee on Printing.

On motion by Lanstrum, at 5:57 P. M., the House recessed until 8 P. M.

EVENING SESSION.

House re-assembled at 8 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Linderman reported as follows:

"Mr. Speaker:

We, your Committee on Printing, beg leave to report that House Bills Nos. 313, 314 and 315 have been returned correctly printed and are ready for General Orders".

Report received and House Bills Nos. 313, 314 and 315 were placed on General Orders.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial was not concurred in and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

Per L."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that they return House Bill No. 193 to the Senate for its further consideration.

C. E. WIGHT, Secretary.

J. A. S."

Mumbrue moved that the request be granted. Carried.

House Bill No. 193 was returned to the Senate for its further consideration.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows.

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 2d of March, 1905:

House Bill No. 303: An Act making appropriations for the State Institutions of Montana for the Fiscal Years ending November 30, 1905, and November 30, 1906".

On motion by Lanstrum, House Bill No. 303 was recalled from the Committee on Enrollment.

GENERAL ORDERS.

On motion by Kennedy, the House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 303.

Johnston in the chair.

House resumed.

Mr. Speaker in the chair.

Johnston from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 303, A Bill for an Act entitled "An Act making appropriations for the State Institutions of Montana for the Fiscal Years ending November 30, 1905, and November 30, 1905, reports same back to the House with the recommendation that it do pass with the following amendment:

Amend Sections one and two by inserting in each Section after the word "appropriated" out of any moneys in the State Treasury not otherwise appropriated."

On motion by Lanstrum, report was adopted.

On motion by Kennedy, the rules were suspended and House Bill No. 303 was considered correctly engrossed and placed upon its final passage.

REPORTS OF STANDING COMMITTEES.

Wilson reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 270 and 249 as correctly engrossed.

Report received and House Bills Nos. 270 and 249 were placed on file for third reading.

THIRD READING OF BILLS.

On motion by Wyman, the rules were suspended, and House Bill No. 303 was considered read at length and placed upon its final passage.

House Bill No. 303, having been read three several times, was passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mumbrue, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Sewell, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—64.

Noes—None.

Absent and not voting—Berry, Coleman, English, Geyman, Hewett, Mulroney, Murray, and Sullivan of Lewis and Clarke—8.

Title agreed to.

Kennedy moved that Substitute for House Bill No. 261 be recalled from the Senate for amendment; and that the Senate be notified. Motion carried.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

We, the Coal Miners of the State of Montana, representing over three thousand of the citizens of the state, have been patiently waiting for the past two years for the meeting of this, the Ninth Legislative Assembly, feeling sure that when it convened it would give to this, our class of laborers, the relief under the laws that they are justly entitled to and need; that the statute requiring the appointment of a coal mine inspector with some more or less valuable schol-

astic qualifications, but little or no practical qualifications, be appointed to inspect and supervise the conduct of the coal mines of the state in so far as they relate to the safety and health of the thousands of men who work in them daily.

The Ninth Legislative Assembly has come and gone, and while we, the coal miners of the state, desire at this time to compliment those of the house of representatives for the consideration they have given to the coal miners in their plea for a law that would allow the appointment of a coal mine inspector with some practical knowledge of the necessities of the active miners, we must at the same time tender to the House of Lords, commonly known as the State Senate, our most grateful gratitude for the activity they have displayed in behalf of the mine owners of the state by refusing to make such legal provision for the coal miners as is granted by every State in this Union, this State excepted, and by every country that has arrived at the condition of even partial civilization; and,

IT MUST BE THE RESOLVE OF ALL THE COAL MINERS OF THE STATE, that in the future, the action of this Ninth Legislative Assembly in so far as it concerns the Senate, and such members of the House as voted against the coal miners, that at the next election and in all subsequent elections, these misrepresentatives shall receive the active and energetic opposition of every coal miner of the State of Montana.

W. H. WILLIAMS.

Kennedy moved that the Honorable A. J. Bennett of Madison be called to the chair. Carried unanimously.

Bennett in the chair.

Kennedy, on behalf of the Members of the Ninth Legislative Assembly, presented to Mr. Speaker, Wyllys A. Hedges, a handsome gold watch and chain.

Mr. Speaker Hedges gratefully thanked the Members of the Ninth Legislative Assembly in a ten minute speech.

Johnston made the following motion:

"Mr. Speaker:

I move that the thanks of the House of Representatives of the Ninth Legislative Assembly be tendered to the Hon. Wyllys A. Hedges, Speaker of the House, for the fair, impartial, able, courteous, and dignified manner in which he has at all times presided over the deliberation of the House".

Motion carried unanimously by a rising vote.

Mr. Speaker in the chair.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 304 was not concurred in and is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary."

REPORTS OF SELECT COMMITTEES.

"Mr. Speaker:

We, your Conference Committee on House Bill No. 176 respectfully recommend that the Senate recede from its amendment and insert the words, "or Medical College" after the word "College", in line 12 of Section 1 of the engrossed bill.

LANSTRUM,
MULRONEY,
O'CONNOR."

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment reports the following House Bills as correctly enrolled this 2nd day of March, 1905:

House Bill No. 262: An Act Appropriating Money for the Payment of

Claims of certain persons for Fees and Expenses allowed by Law for appraising cattle that were slaughtered by order of the State Veterinarian.

Also House Bill No. 300. An Act Appropriating money to defray the Expenses of the Joint Committee, appointed to investigate the School of Mines, the State University and Insane Asylum.

Also House Substitute for Senate Bill No. 48: An Act regulating Foreign Corporations and Joint Stock Companies doing a Banking Business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof.

Substitute for House Bill No. 135. An Act relating to the Number of Deputies allowed County Auditors in Counties of the First Class and Fixing the Compensation of same".

Mr. Speaker announced that he was about to sign Substitute for House Bill No. 135, An Act relating to the Number of Deputies allowed County Auditors in Counties of the First Class and Fixing the Compensation of same.

Also House Bill No. 262, An Act Appropriating Money for the Payment of Claims of certain persons for Fees and Expenses allowed by Law for appraising cattle that were slaughtered by order of the State Veterinarian.

Also House Substitute for Senate Bill No. 48, An Act regulating Foreign Corporations and Joint Stock Companies doing a Banking Business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof.

Also House Bill No. 300, An Act Appropriating money to defray the Expenses of the Joint Committee, appointed to investigate the School of Mines, the State University and Insane Asylum.

THIRD READING OF HOUSE BILLS.

House Bill No. 308, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Coleman, Collier, Decker, Dempster, English, Everett, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Quigley, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—60.

Noes—None.

Absent and not voting—Buck, Carriher, Christian, Cone, Fairbanks, Geyman, Hewett, Kennedy, MacGinnis, Potter, Reel, and Sullivan of Jefferson—12.

Title agreed to.

House Bill No. 312, on motion by Linderman, read third time by title only and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lnanin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sykes, Teskey, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—Buck—1.

Absent and not voting—Cone, English, Geyman, Hewett, MacGinnis, Sanden, Shannon, Sullivan of Lewis and Clarke, Sullivan of Jefferson, and Walker—10.

Title agreed to.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the Senate has concurred in House Amendments to House Bill No. 303 and the same is herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

L."

H. B. No. 303 referred to Committee on Enrollment.

Everett moved that, for the rest of the session, the members refrain from smoking. Motion lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 270, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington. Johnston, Kennedy, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue. Murray, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—54.

Noes—Blake, Dempster. Lannin, Metcalf, Murphy, O'Brien, Sanden, Schoonover, Teskey and Walker—10.

Absent and not voting—Coleman, English. Geyman, Hayes, Hewett, MacGinnis, Shannon and Sullivan of Jefferson—8.

Title agreed to.

House Bill No. 249, having been read three several times, was passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Collier, Cone, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman,, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murphy, Macdonald, O'Brien. O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wood, Wilson, Wyman and Mr. Speaker—62.

Noes—Buck—1.

Absent and not voting—Coleman, Decker, English, Geyman, Hewett, Murray, MacGinnis, Shannon, and Sullivan of Jefferson—9.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment, report that we have this 2nd day of March, 1905, at the hour of 9 P. M., delivered to his Excellency, the Governor, the following House Bills:

House Bill Nos. 262, 300, House Substitute for Senate Bill No. 48 and Substitute for House Bill No. 135".

Report placed on file.

THIRD READING OF SENATE BILLS.

Senate Bill No. 77, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt. Canoll, Carriher, Christian, Collier, Cone, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman. Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, MacGinnis, Mumbrue, Macdonald, O'Brien, O'Connor. Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck. Walker, Wiedeman, Williams. Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Coleman, Geyman, Hewett, Kennedy, Murray, Murphy, Schoonover, Shannon, and Sullivan of Jefferson—9.

Title agreed to.

Senate Bill No. 32, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Carriher, Christian, Collier. Decker, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Murray, Macdonald, Patten, Potter, Richardson, Roll, Ross, Sales, Selway, Sanders, Schoonover, Sewell, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—50.

Noes—Berry, Canoll, Dempster, Lannin, O'Connor, Quigley, Reel, Roach, Sanden, Starz, and Teskey—11.

Absent and not voting—Coleman, Cone. English, Geyman, Hewett, Metcalf, Murphy, MacGinnis, O'Brien, Shannon, and Sullivan of Jefferson—11.

Title agreed to.

Senate Bill No. 63, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Bembrick, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Decker, Dempster, English, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Linderman, Metcalf, Mulroney, Meunier, Mumbrue, Murray, Macdonald, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden. Sanders, Schoonover, Selway, Sewell, Starz. Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—59.

Noes—None.

Absent and not voting—Blake, Canoll, Carriher, Coleman, Cone, Geyman, Hewett, Leiper. Murphy, MacGinnis, O'Brien, Shannon, and Sullivan of Jefferson—13.

Title agreed to.

Senate Bill No. 87, having been read three several times, was concurred in by the following vote:

Ayes—Bennett, Berry, Blake, Blankenship, Brewster, Buck, Burt, Canoll, Christian, Coleman, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Harrington, Hilman, Huntington. Johnston, Leiper, Linderman. Metcalf, Mulroney, Mumbrue, Murray, Macdonald, Patten, Quigley, Richardson, Roll, Sales, Sanden, Sanders, Selway, Sewell, Stevens, Sykes, Vandyck, Wiedeman, Williams, Wilson, Wood, and Mr. Speaker—44.

Noes—Bembrick. Brigham, Dempster, Kennedy, Lannin, Lanstrum, Meunier, Murphy, O'Connor, Roach, Ross, Schoonover, Shannon, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Walker and Wyman—19.

Absent and not voting—Carriher, Geyman, English, Hayes, Hewett, MacGinnis, O'Brien, Potter, Reel—9.

Title agreed to.

GENERAL ORDERS.

On motion by Macdonald, the House resolved itself into a Committee of the Whole, for the consideration of General Orders.

Wiedeman in the chair.

House resumed.

Mr. Speaker in the chair.

Wiedeman. from the Committee of the Whole, reported as follows:

"Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 313, Introduced by Committee on Appropriations, A Bill for an Act entitled "An Act appropriating money for the payment of deficiency claims of the Rocky Mountain Bell Telephone Company for service rendered the Attorney General's Office of the State of Montana, during the years of 1901, 1902 and 1903, reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 314, Introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of diseased animals, under the provisions of Sections 3005 and 3006, of the Political Code", reports same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 315, Introduced by the Committee on Appropriations, A Bill for an Act entitled an Act making appropriations for two additional justices of the supreme court of the State of Montana and additional clerical help therefor for the fiscal years ending November 30, 1905, and November 30, 1906, reports same back to the House with the recommendation that it do pass with the following amendments:

Amend Sections one and two by adding to each section the following: "For compensation of additional Justices of the Supreme Court for services in reporting decisions, three thousand dollars".

Amend Sections one and two by striking out in each section the words "the general fund", and inserting in lieu thereof the words "any monies in the State Treasury not otherwise appropriated".

On motion by Johnston, the report of the Committee of the Whole was considered read and adopted.

On motion by Wilson, the rules were suspended and House Bills Nos. 313, 314 and 315 were considered correctly engrossed and were placed on their final passage.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the report of the Conference Committee on House Bill No. 76 was read and adopted.

C. E. WIGHT, Secretary.
J. A. S."

THIRD READING OF HOUSE BILLS.

On motion by Johnston, the rules were suspended and House Bill No. 313 was read by title only and passed by the following vote:

Ayes—Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Burt, Canoll, Carriher, Christian, Coleman, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Mumbrue, Metcalf, Murray, Murphy, MacGinnis, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—Collier—1.

Absent and not voting—Bennett, Buck, Cone, English, Geyman, Hewett, Hilman, Kennedy, Quigley and Sales—10.

Title agreed to.

On motion of Johnston, the rules were suspended and House Bill No. 314 was read third time by title only and passed by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Berry, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Murray, Murphy, Mumbrue, Macdonald, O'Brien, O'Connor, Patten, Potter, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Sewell, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—63.

Noes—None.

Absent and not voting—Cone, English, Geyman, Hewett, Kennedy, MacGinnis, Quigley, Sanders and Shannon—9.

Title agreed to.

On motion by Johnston, the rules were suspended and House Bill No. 315, was read third time by title only and passed by the following vote:

Ayes—Bennett, Berry, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Decker, Dempster, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Schoonover, Selway, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Teskey, Vandyck, Walker, Wiedeman, Williams, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Cone, English, Geyman, Hewett, Kennedy, MacGinnis, Potter, Quigley, Sanders, Shannon and Sullivan of Jefferson—11.

Title agreed to.

O'Connor moved that the House resolve itself into a Committee of the Whole, for the consideration of General Orders.

Substitute motion, by Lanstrum, that all bills now on General Orders, be indefinitely postponed. Substitute motion carried.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House amendments to Senate Bills Nos. 77 and 63 and 32 were concurred in.

C. E. WIGHT, Secretary."

Placed on file.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills have been read a third time and concurred in, as amended, and are herewith returned to the House: House Bills Nos. 255 and Substitute for House Bill No. 261.

Respectfully,

C. E. WIGHT, Secretary."

Senate amendments to Substitute for House Bill No. 261 were read.

Linderman moved that they be not concurred in; and that the Senate be asked to recede from its amendment to lines 16 and 17 of the engrossed bill, which reads as follows: "For salary of Stenographer of Secretary of State, One Thousand, Two Hundred Dollars".

Linderman moved that all of the remaining Senate amendments be concurred in. Remaining Senate amendments to House Bill No. 261 were concurred in by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Canoll, Carriher, Christian, Coleman, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Harrington, Hayes, Hilman, Huntington, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Ross, Sanden, Sanders, Selway, Sewell, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood, Wyman and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, English, Forsythe, Geyman, Hewett, MacGinnis, Roll, Sales, Schoonover, Sykes and Williams—11.

Senate amendments to House Bill No. 255 were read and, on motion by Bennett, were concurred in by the following vote:

Ayes—Bennett, Bembrick, Blake, Blankenship, Brewster, Buck, Burt, Carriher, Christian, Collier, Cone, Decker, Dempster, Everett, Fairbanks, Harrington, Hayes, Hilman, Huntington, Johnston, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Meunier, Mulroney, Mumbrue, Murray, Murphy, Macdonald, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanden, Sanders, Schoonover, Selway, Sewell, Shannon, Starz, Stevens,

Sullivan of Jefferson, Sullivan of Lewis and Clarke, Teskey, Vandyck, Walker, Wiedeman, Wilson, Wood and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Brigham, Canoll, Coleman, English, Forsythe, Geyman, Hewett, Kennedy, MacGinnis, Sykes, Williams and Wyman—13.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were read a third time and concurred in and are herewith returned to the House: House Bills Nos. 229, 293, 309, 310, 311, 193, 295, 292.

Respectfully,

C. E. WIGHT, Secretary.

L."

House Bills Nos. 229, 293, 309, 310, 311, 193, 295 and 292 were referred to Committee on Enrollment.

REPORTS OF STANDING COMMITTEES

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 2nd day of March, 1905:

House Bill No. 287: An Act to Amend Section 12 and 15 of the Code of Civil Procedure, relating to the Supreme Court, and providing for two additional Justices of said Court, and fixing the terms of the additional Justices, providing for the election of their successors, and providing for the appointment of the person who shall hold the office of additional Justices for the first term.

Also House Bill No. 227: An Act to Amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to Limitations of Actions.

Also House Bill No. 294: An Act to enable the State Board of Land Commissioners, through the State Engineer's Office, to investigate the feasibility of irrigating State Lands; to determine the available supply of water; to appropriate water for said lands, and making an appropriation for field and office expenses of such work".

Mr. Speaker announced to the House that he was about to sign House Bill No. 287, An Act to amend Section 12 and 15 of the Code of Civil Procedure, relating to the Supreme Court, and providing for two additional Justices of said Court, and fixing the terms of the additional Justices, providing for the election of their successors, and providing for the appointment of the person who shall hold the office of additional Justices for the first term.

Also House Bill No. 294, An Act to enable the State Board of Land Commissioners, through the State Engineer's Office, to investigate the feasibility of irrigating State Lands; to determine the available supply of water; to appropriate water for said lands, and making an appropriation for field and office expenses of such work.

Also House Bill No. 227, An Act to amend Section 523, Chapter IV, Title II, Part II, of the Code of Civil Procedure of the State of Montana, relating to Limitations of Actions.

The following was read:

"Mr. Speaker:

In compliance with the request of the Fraternal Congress, I ask leave to withdraw petitions which were presented by me from that body, and which have been referred to Insurance Committee.

DEMPSTER."

Permission granted.

COMMUNICATIONS AND PETITIONS.

Everett presented numerous petitions, signed by about 6000 citizens of the State, praying for the passage of House Bill No. 55. Placed on file.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the Senate recedes from its amendment making the salary of the stenographer of Secretary of State $1200.00.

C. E. WIGHT, Secretary.
J. A. S."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the vote by which House Bill No. 204 was not concurred in has been reconsidered, and the Senate asks that it be returned for its further consideration.

C. E. WIGHT, Secretary.
J. A. S."

On motion by Sales, the request was granted, and House Bill No. 204 was returned to the Senate.

MESSAGE FROM THE GOVERNOR.

"Executive Office, Helena, Montana, March 2, 1905.

To the Speaker of the House of Representatives:

I herewith return House Bill No. 287. "A Bill for an Act to amend Sections 12 and 15 of the Code of Civil Procedure relating to the Supreme Court and providing for two Associate Justices of said Court, and fixing the terms of the additional justices, providing for the election of their successors, and providing for the appointment of the persons who shall hold office of additional justices for the first term", without my approval and with my objections thereto.

It may be that the Supreme Court is in need of two additional justices for the proper transaction of its business. My opinion, however, is that the Supreme Commission has rendered valuable assistance and that the docket of the Supreme Court will be practically cleared by the first day of April, and that the Supreme Court Commission have been advised accordingly, and upon this information in making my estimates of the expenses of the State Government, no further appropriation was asked for the Supreme Court Commission on that account. There is a general impression that the business of the Supreme Court ought to be turned off speedily from day to day as presented, but it is believed that the careful consideration of cases demands that even after opinions are prepared, that the legal questions involved and the rights of parties, will not suffer if they shall be held for a reasonable time for further consideration. A proper and orderly dispatch of business in the courts does not require that opinions shall be run continually through the judicial mill like slag through a furnace.

This bill provides for two associate Justices to be appointed by the Governor, one of which shall be appointed for a period of four years and another for a period of six years.

Section 6 of the Constitution is as follows: "The Justices of the Supreme Court shall be elected by the electors of the State at large as hereinafter provided".

Section 34 of Article 8 provides as follows: "Vacancies in the office of Justice of the Supreme Court or Judge of the District Court or Clerk of the Supreme Court, shall be filled by appointment by the Governor of the State. * * * * * A person appointed to fill any such vacancy, shall hold his office until the next general election and until his successor is elected and qualified".

The moment the Legislature provides for increasing the Supreme Court by adding two new Justices thereto, that moment there becomes a vacancy; then the office exists without an incumbent and is vacant whether it be a new or an old office. A new house is as vacant as one tenanted for years or one which was abandoned yesterday. We must take the words in their plain and usual sense.

It seems remarkable that such extraordinary power should be placed on the hands of the Governor or any other person to make appointments which extend beyond two general elections, when one or both of these additional judges could be elected by the people. If such a thing is possible under the provision of the Constitution which I have cited to the effect that a person appointed to fill a vacancy shall only hold his office until the next general election and until his successor is elected and qualified, what emergency or special occasion

can be found or assigned for continuing these justices in office over such a long period of time, when as I have said, two elections intervene? An incumbent so appointed by the Governor might be distasteful to his legitimate constituency and the theory of the Government for electing Justices of the Supreme Court be subverted and its practice in that regard be prevented. The practice is under our Constitution that the will of the people shall be expressed at frequently returning periods and the body of our laws in this respect is harmonious. "If the Legislature" says an eminent Judge of the Court of Appeals of the State of New York "May take from the people of a locality the power at properly returning occasions of electing certain officers, it effectually draws to itself the power of filling those offices". That certainly is what the Legislature in this bill does for one justice for a period of 4 years, and in the case of the other, for a period of 6 years, notwithstanding intervening elections.

Section 8 of Article 8 providing for an increase in the Justices of the Supreme Court, says among other things "If the Legislative Assembly shall increase the number of justices to 5, the first term of office of such additional justices shall be fixed by law in such manner that at least one of the 5 justices shall be elected every 2 years". This seems to be surplusage inasmuch as Section 7 of the same article provides that the term of Justices of the Supreme Court shall be 6 years, and there being 3 justices at present and our elections being biennial, one justice at least would have to be elected every 2 years, no matter whether 2 more should be added or not.

But this authority given to the Legislature in Section 8 of Article 8 above quoted, in my opinion means no more than that be the time what it may and altered in duration when it may, the incumbent shall neverth less be the creature of the people, "and thus it guards", says the Justice of the Court of Appeals herein quoted "against a majority of the Legislature adverse in sentiment to the majority of the people of a locality placing or continuing over them in official power one whom they would not select".

Whether right or wrong, wise or foolish, I am a firm advocate of the right of the people to elect their own officers, and see no occasion whatever for the appointment, whether made by the Governor or some one else, extending beyond the first general election when his successor in office could be elected.

J. K. TOOLE, Governor."

Kennedy moved for a Call of the House.

Roll called and all present except Canoll, English, Feyman and Hewett.

On motion by Johnston, further proceedings under the call of the house were dispensed with.

The question occurring upon the final passage of House Bill No. 287, notwithstanding the veto of the Governor, the bill, failing to receive a two-thirds vote of the House, was not passed, by the following vote:

Ayes—Bembrick, Carriher, Coleman, Dempster, English, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Reel, Ross, Schoonover, Shannon, Sullivan of Lewis and Clarke, Teskey, Walker, Wiedeman, Wyman and Mr. Speaker—28.

Noes—Bennett, Berry, Blake, Blankenship, Brewster, Brigham, Buck, Burt, Christian, Collier, Cone, Decker, Everett, Fairbanks, Forsythe, Harrington, Hayes, Hilman, Huntington, Johnston, Metcalf, Mumbrue, Macdonald, Potter, Quigley, Richardson, Roll, Sales, Sanden, Sanders, Selway, Sewell, Starz, Stevens, Sullivan of Lewis and Clarke, Sykes, Vandyck, Williams, Wilson and Wood—40.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 270 was not concurred in; also that House Bill No. 312 was read first time and rejected and the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

L."

Mr. Speaker announced to the House that he was about to sign Senate Joint Memorial No. 3, Senate Bill No. 28, Senate Bill No. 64 and Senate Bill No. 84.

On motion by Kennedy, the House took a recess of ten minutes.

House resumed.

Mr. Speaker in the chair.

Roll called. Quorum present.

Everett, seconded by Brigham, moved for a reconsideration of the vote upon the final passage of House Bill No. 287, notwithstanding the veto of the Governor. Motion carried.

The question was put, "Shall House Bill No. 287 pass, notwithstanding the veto of the Governor?"

House Bill No. 287, notwithstanding the veto of the Governor, was passed by the following vote:

Ayes—Berry, Bembrick, Brigham, Carriher, Christian, Coleman, Dempster, English, Everett, Forsythe, Hayes, Hilman, Johnston, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Meunier, Mulroney, Murray, Murphy, MacGinnis, O'Brien, O'Connor, Patten, Quigley, Reel, Richardson, Ross. Sales, Schoonover, Selway, Shannon, Starz, Stevens, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Vandyck, Walker, Wiedeman, Williams, Wyman and Mr. Speaker—44.

Noes—Blake, Blankenship, Brewster, Buck. Burt, Collier, Decker, Harrington, Huntington, Metcalf, Macdonald, Roll, Sanden, Sanders, Sewell, Sykes, and Wood—17.

Absent and not voting—Bennett, Canoll, Cone, Fairbanks, Geyman, Hewett, Mumbrue, Potter, Roach, Teskey and Wilson—11.

COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were not concurred and are herewith returned to House: 314, 315.

Respectfully,

C. E. WIGHT, Secretary.

L."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills have been read a third time and concurred in and are herewith returned to the House: House Bills Nos. 129, 217, 245, 249, 251, 308, 313, and that House Bill No. 204 was concurred in as amended and the same are herewith returned to the House.

Respectfully,

C. E. WIGHT, Secretary.

L."

House Bills Nos. 129, 217, 245, 249, 251. 308 and 313 were referred to Committee on Enrollment.

Lanstrum moved that a conference committee be appointed to confer with a like committee from the Senate on amendments to House Bill No. 270. Carried.

Mr. Speaker appointed Lanstrum, Wiedeman and O'Connor as such committee.

Senate amendments to House Bill No. 204 was read and, on motion by Linderman, concurred in by the following vote:

Ayes—Blake. Blankenship, Brewster, Brigham, Burt, Christian, Coleman, Collier, Decker, Everett, Forsythe, Harrington, Hayes, Kennedy, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Murray, O'Brien, O'Connor, Patten, Potter, Quigley, Reel, Richardson, Roach, Roll, Ross, Sales, Sanders, Schoonover, Selway, Sewell, Starz, Sullivan of Jefferson, Sullivan of Lewis and Clarke, Sykes, Vandyck, Walker, Williams—43.

Noes—Buck, Dempster, Hilman, Meunier, Murphy, MacGinnis, Shannon, Wiedeman, Wood and Mr. Speaker—10.

Absent and not voting—Bennett, Berry, Bembrick, Canoll, Carriher, Cone, English, Fairbanks, Geyman, Hewett, Huntington, Johnston. Mumbrue, Macdonald, Sanden, Stevens, Teskey, Wilson and Wyman—19.

Lanstrum reported as follows:

"Mr. Speaker:

Your Committee appointed to confer with a like Committee from the Senate upon House Bill No. 270, begs leave to report that the Senate has not concurred in or amended the above bill, and has no desire for a conference".

Kennedy moved that the report be adopted and spread upon the minutes. Carried.

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B. No. 270 was not concurred in by the Senate and that Senate therefore cannot appoint a conference committee.

Respectfully,

C. E. WIGHT, Secretary of Senate."

Also:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate sustained the veto of the Governor of House Bill No. 287.

Respectfully.

C. E. WIGHT, Secretary of Senate."

MOTIONS AND RESOLUTIONS.

By Kennedy: "I move that the Speaker appoint a committee of three to wait upon the Senate and inform that body that the House of Representatives of the Ninth Legislative Assembly has completed its business and is about to adjourn sine die; also that the Speaker appoint a similar committee of three to wait upon his Excellency, the Governor, and inform him that the House has completed its business and is now about to adjourn sine die, and to request him for any further communications which he may have to offer".

Motion carried and Mr. Speaker appointed Mulroney, Mumbrue and Walker as a Committee to notify Senate; and Lanstrum, Everett and Kennedy as committee to notify Governor.

Macdonald moved that a vote of thanks be tendered the Printing Committee for the efficient manner in which that Committee has performed its duties. Carried unanimously.

Kennedy moved, seconded by Wyman, that a vote of thanks be tendered by the House to the Chief Clerk, Mr. Godfrey; and to the Assistant Chief Clerk, Mr. Blake; and to the Sergeant-at-Arms and his Assistant and to the other attaches of the House. Carried unanimously.

Linderman moved that a vote of thanks be tendered to the Committee on Railroads and Transportation. Carried unanimously.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report that the following House Bills as correctly enrolled this 2nd day of March, 1905:

House Bill No. 295: An Act to authorize the Courts of record of this State to issue injunctions to restrain persons or corporations from violating any of the provisions of Section 2 of Article XV of the Constitution of the State of Montana, or of any law or laws enacted for enforcing such sections pending the final determination of any action, civil or criminal, brought in any Court for the purpose of enforcing said action of the Constitution, or any law or laws enacted thereunder.

Also House Bill No. 310: An Act appropriating money for the deficiency claim of certain persons for service rendered and supplies furnished, accounts of Farmers Institute.

Also House Bill No. 311. An Act appropriating money for the payment of the claim of the Bozeman Chronicle account printing for the Agricultural College of Bozeman during the year 1902.

Also House Bill No. 301. An Act to amend Sections 4066 of Article 2, Chapter 13, Title 10, Part 3, of the Political Code of the State of Montana, re-

lating to the licensing of peddlers, hawkers and traveling merchants as amended by House Bill No. 160 of the Fifth Legislative Assembly of the State of Montana, entitled, An Act to amend Sections 4066 of Article 2, Chapter 13, Title 10, Part 3, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers, and traveling merchants, approved March 3, 1897.

Also House Bill No. 176. An Act providing for a Milk and Meat Inspector in cities having 4000 inhabitants or over, within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of meat and milk and live domestic animlas for food purposes and prescribing penalties for the violation of the provisions of this Act, and repealing Senate Bill No. 45 of the Laws of 1901, approved March 14, 1901, and Chapter CXX of the Laws of 1903.

Also House Bill No. 308: An Act fixing the maximum number of deputy sheriffs in counties of the first class and a maximum annual compensation thereof.

Also House Bill No. 193: An Act to promote co-operation of this State with the National Government and enable Montana to receive the full benefit of national irrigation law, by providing for the creation of a commission to prepare and report on a revised irrigation code, fixing number of members, method of appointment, duties and compensation and appropriating five hundred dollars for necessary expenses for said commission.

Also House Bill No. 231: An Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor".

Mr. Speaker announced that he was about to sign House Bills Nos. 231, 176, 295, 310, 311, 308, 301 and 193.

Mr. Speaker announced to the House that he was about to sign Senate Bills Nos. 79, 73, 63, 32, 77 and 87.

MOTIONS AND RESOLUTIONS.

Brewster moved that a vote of thanks be tendered the members from Silver Bow for the lunch served to the members and attaches of the House. Carried unanimously.

By Coleman:

BE IT RESOLVED, That we, the Members of the Ninth Legislative Assembly of the State of Montana, extend our sincerest thanks to R. E. Gray, Chief Clerk of the Printing Committee, to Fred Albrecht, Assistant Chief Clerk of the Printing Committee, to Frank Linderman, Chairman of the Printing Committee, and to the individual members of the Printing Committee for their conscientious, honest endeavors and hearty co-operation in expediting the arduous work of this Legislative Assembly.

BE IT FURTHER RESOLVED, That the expressions of this Assembly be spread upon the minutes of the Journal.

Carried unanimously.

MacGinnis, seconded by Lanstrum and others, moved that a vote of thanks be extended to the Attorney General, Albert J. Galen, for the courtesy extended by his office to the Ninth Legislative Assembly. Carried unanimously.

REPORTS OF STANDING COMMITTEES.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 2nd day of March, 1905, at the hour of 10:56 P. M., delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 287, 227 and 294".

Placed on file.

Also by Cone:

"Mr. Speaker:

Your Committee on Enrollment, report that we have this 2nd day of March, 1905, at the hour of 11:45 P. M., delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 295, 310, 311 301, 176, 193 and 231".

Placed on file.

Lanstrum, from the Select Committee to inform the Governor that the House was about to adjourn sine die, reported that the committee had performed its

duty and that the Governor stated that he had no further communications for the House.

On motion by Walker, report was adopted.

Walker, duly seconded, moved for a Call of the House.

Roll called and all members present except Berry, Bembrick, Brewster, Burt, Canoll, Carriher, Christian, Decker, Everett, Fairbanks, Forsythe, Geyman, Hayes, Hewett, Hilman, Huntington, Lannin, Lanstrum, Leiper, Linderman, Metcalf, Mulroney, Mumbrue, Bennett, O'Connor, Potter, Reel, Sales, Schoonover, Starz, Sullivan of Jefferson, Sykes and Williams.

The Sergeant-at-Arms brought in Bennett, Christian, Decker, Everett, Fairbanks, Lanstrum, Leiper, Linderman, Mulroney and Mumbrue.

There being 49 members present in the House, Wyman moved that further proceedings under the Call of the House be dispensed with. Carried.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report the following House Bills as correctly enrolled this 2nd day of March, 1905:

House Bill No. 229: An Act amending Section 3895, Part III, Title X, Chapter VIII, of the Political Code of the State of Montana relating to Notice of Application for Tax Deed.

Also House Bill No. 309: An Act appropriating money for the deficiency claim of James B. Toughill for services rendered as stenographer to Attorney General during the months of September, October and November, 1904.

Also House Bill No. 293: An Act to amend Sections 1 and 2 of an Act to Create the Montana State Board of Horticulture, to Prescribe its Powers and Duties, and to appropriate money therefor, approved February 17, 1899, as amended by Chapter CIX of the Eighth Legislative Assembly.

House Bill No. 313: An Act appropriating money for the payment of deficiency claim of the Rocky Mountain Bell Telephone Company, for services rendered the Attorney General's Office of the State of Montana, during the years of 1901, 1902, and 1903.

Also House Bill No. 292: An Act making appropriations for the Executive and Judicial Departments of the State Government and Maintenance of State Institutions for the fiscal year ending November 30, 1905, and for the fiscal year ending November 30, 1906.

Also House Bill No. 129. An Act to amend Sections 51, 52 and 53 of Chapter XLIV of the Laws of 1903, relating to the inspection of Highways and Bridges by County Surveyors, and providing for the inspection of Highways by a member of the Board of County Commissioners and for this Compensation.

Also House Bill No. 204: An Act appropriating money for the payment of claims of certain persons for expenses incurred in Transporting Prisoners to the Penitentiary during the years 1903 and 1904.

Also House Bill No. 303: An Act making appropriations for the State Institutions of Montana for the fiscal years ending November 30, 1906.

Also House Bill No. 217: An Act to amend Section 1912 of the Political Code of the State of Montana as amended by Substitute for Senate Bill No. 81, approved March 4th, 1897, and relating to the Issuance of Certificates to teach in the public schools of Montana.

Also House Bill No. 222: An Act entitled, An Act to enable the State to Accept an offer of the United States, made by an Act of Congress, in relation to the Arid Lands commonly known as the Carey Acts, approved August the 18th, 1894.

Also House Bill No. 255: An Act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by An Act entitled, "An Act to amend Sections 4083 of the Political Code of Montana", approved March 6th, 1897, as the same is now in force after an amendment by An Act entitled, "An Act to amend Section 4063 and 4064 of the Political Code for the State of Montana" approved March 4th, 1901, relating to Licenses.

Also Substitute for House Bill No. 261: An Act making appropriations for the Executive and Judicial Departments of the State Government for the Fiscal Years ending November 30, 1905 and November 30, 1906.

Also House Bill No. 249: An Act to amend Section 2385 of the Political Code of Montana providing for the loan of books belonging to the State Library.

Also House Bill No. 245: An Act to amend Section 1925 (B), Part II, Title III, of the Political Code of the State of Montana.

Also House Bill No. 251: An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian, and to make an appropriation for such experiments.

Also House Bill No. 301, An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana".

Mr. Speaker announced to the House that he was about to sign House Bill No. 293, 255, 309, 292, 313, 279, 249, 245, Substitute for House Bill No. 261, House Bills Nos. 303, 129, 251, 204, 217, 222 and 301.

The following report was read:

"Mr. Speaker:

We, your Committee appointed to notify the Senate that the House was about to adjourn sine die, beg to report that we have performed our duty.

MULRONEY,
MUMBRUE,
WALKER."

On motion of Leiper, report was adopted.

Senator Maddox, from the Senate, appeared before the bar of the House and reported that the Senate had completed its work and was ready to adjourn sine die.

Cone reported as follows:

"Mr. Speaker:

Your Committee on Enrollment report that we have this 2nd day of March, at 11:50 P. M., delivered to his Excellency, the Governor, the following House Bills: House Bills Nos. 229, 309, 293, 313, 292, 129, 204, 303, 217, 222, 255, Substitute for House Bill No. 261, House Bills Nos. 249, 245, 251 and 301".

Placed on file.

On motion by Linderman, at 11:55 P. M. March 2nd, 1905, the House adjourned Sine Die.

WYLLIS A. HEDGES,
Speaker.

NATHAN GODFREY,
Chief Clerk.